

Michigan Trial Court Case File Management Standards

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State Court Administrative Office
on the Recommendations of the
Michigan Trial Court
Case File Management Standards Committee

(rev. 5/2001)

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Case File Management Standards

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Introduction

Purpose

The court, under the direction of the chief judge, has responsibility for the maintenance of all records necessary to adequately support the business of the court which is accomplished through the assistance of various staff support, including but not limited to, court administrators, registers of probate, clerks of the court, and friends of the court. These standards identify both the basic elements for managing case file records within the trial courts and the basic roles that various staff have with regard to that management. Although there are many other records within the trial courts which would benefit from records management, the role of these particular standards is to provide the trial courts with minimum criteria and procedures for achieving systematic control over all of the recorded information relating to case files, from case initiation to permanent retention or destruction of the records.

Records Management in General

The case file management standards are a first step toward establishing a framework by which the trial courts may implement a records management program. A records management program has responsibility for controlling records throughout the court for the life cycle of those records. A records management program generally includes the creation, distribution, use, retention, storage, retrieval, protection, preservation, and final disposition of each type of record. The primary functions of records management are records retention and scheduling, inactive records storage, records security, document storage and retrieval, and micrographics systems.

At each stage of activity in the life cycle of a record, someone must be responsible for controlling the record. In order to maintain this type of control, the records management program is also responsible for establishing standards, policies, and procedures which will produce effective control. The type of control a trial court uses depends on the organization of the court and the practical needs of those who use the records. Courts may choose a centralized file system, a decentralized file system, or a decentralized file system with centralized control. There are benefits and advantages to each type of file system, so the decision should be made only after conducting a records inventory and procedural analysis

Development, Layout and Design of Standards

The case file management standards are the result of the recommendations and hard work of the Michigan Trial Court Case File Management Standards Committee. The case file management standards focus on five primary areas of records management: 1) active case file management; 2) filing systems and storage; 3) forms and reports management; 4) file retention and destruction; and 5) records media. The area of active case file management is grouped by the three major phases of case management: 1) case initiation and maintenance; 2) case disposition to closing; and 3) post-adjudication. Each of the standards is identified as a separate component and provides, at a minimum, the technical criteria for the component. Each component may also contain procedures, authoritative citations, and cross references to other components or sources of relevant information. Other materials are provided in the Appendix.



Michigan Supreme Court
State Court Administrative Office

Case File Management Standards

AREA 1: Active Case File Management

1.1: Case Initiation and Maintenance

Purpose: To define steps necessary for opening a court case, creating records that will support the case, and properly tracking and managing the case while it is active in the court system.

Case Initiation: The record keeping procedures in case initiation establish a comprehensive framework for the case file management system. Although detailed documentation is stressed, flexibility must be maintained to cope with unusual and unforeseen events and circumstances. Most court records and case files are established at case initiation. Once a case file has been opened, it should contain all case-related documents to facilitate active case monitoring.

Maintaining Active Cases: Records and files used for the maintenance of active cases are essentially those created during case initiation. The court may also generate or receive documents such as notices, motions, orders, or correspondence to support active case maintenance. The court is also responsible for creating a few new records such as court calendars and judges dockets to support scheduling and calendaring activities. Since case files are continually updated, checked out, returned and refiled, administrative control over the process is essential to quickly locate records when needed. The register of actions, calendar, and case files will often be used together to manage and monitor active cases.

General Case Processing Procedures and Records Created or Used

Procedures/Events	Records Created or Used
Process case initiating documents	Case number assignment log and receipts
Create court records	Register of actions, numerical and alphabetical indexes, active case file folder
Establish monitoring control	Master court calendar, judges dockets, future action file
Process subsequently filed documents	Register of actions, future action file, active case file, notices
Case monitoring	Future action file, register of actions
Schedule and calendar cases; prepare notices	Future action file, master court calendar, judges dockets
Hearings and trials	Active case file, master court calendar, judges dockets

NOTE: Accounting systems should complement all case processing procedures.



Michigan Supreme Court
State Court Administrative Office

Case File Management Standards

AREA 1: Active Case File Management

1.1.1: Establishing and Maintaining Case Files

Introduction:

Case files are the most important of all court records. Upon the filing of a case-initiation document, a case number and case type code are assigned, a filing fee collected (when required), and a case file opened.

The filing of pleadings and other papers with the court, as required by Michigan Court Rules, must be with the clerk of the court. *[MCR 2.107(G), MCR 5.001(A), MCL 600.1974]* The action taken on applications for extraordinary writs or related orders to show cause must be noted in court records in the same manner as actions taken in other civil actions. *[MCR 3.301(E)]*

Other types of records are developed to support case files, such as indexes and registers of action.

Components of Case File Records and Related Procedures:

Specific standards and procedures for establishing and maintaining case files are outlined in the following components. These components are:

Component 1	Case Type Code
Component 2	Case Number, File Number, and Petition Number
Component 3	File Stamp
Component 4	Paper and Language
Component 5	Handling Case Papers with Errors
Component 6	Case File Folder/Jacket
Component 7	Placement of Papers in Case File Folder
Component 8	Case Files and Other Documents Maintained Separately
Component 9	Minimum File Contents
Component 10	Court Seal and Other Stamps
Component 11	Transferring Case Files
Component 12	Making Copies of Case Files
Component 13	Consolidating Cases

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Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 1	Phases of File Management Where Used
Case Type Code	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Establishing Case Type Codes:

Case type codes shall be established by the State Court Administrative Office (see Case Type Codes, Component 39, page 77). Requests to establish new case type codes or to revise existing case type codes must be submitted to the State Court Administrative Office for consideration.

Assignment of Case Type Code:

- A case type code is one of the two-letter sequences specified in Component 39.
- One case type code must be assigned to each case-initiation document based on the list in Component 39. [MCR 2.113(C)(1)(c), MCR 5.113(A)(1)(b)(ii), MCR 8.117]
- Assignment of the case type code is based on the principal subject matter of the action, not the nature of the proceedings. [MCR 2.113(C)(1)(c) and MCR 5.113(A)(1)(b)(ii)]
- Courts may establish local practice regulating whether the code is assigned by either the party or the court.

Use of Case Type Code:

As required by MCR 2.113(C)(1)(c), MCR 5.113(A)(1)(b)(ii), and MCR 8.117, one case type code must be assigned to each case according to the principal subject matter of the action (not the nature of the proceedings). The case type code must be included as part of the case number in the caption of the pleading. The case type code must be included in the caption of papers thereafter filed in that case or activity. If a pleading is filed without a case type code, it is to be considered a nonconforming paper and shall not be accepted for filing.

Cross References: See Component 39 - Case Type Codes for list.

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Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 2	Phases of File Management Where Used
Case Number, File Number, and Petition Number	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Assignment of Complaint Number, Petition Number, and Case Number:

- A complaint number or petition number consists of three parts: 1) the year in which the complaint or petition is initiated; 2) a number of digits of some length; and 3) a case type code. [MCR 2.113(C)(1)(c) and MCR 5.113(A)(1)(b)(ii)] The entire number is not to exceed the maximum field length specified by Court Data Standards.
Examples: 2000-123456-DM, 1999123456CZ, 99-123456-FT, 00123456NI
- A case number is the number assigned to a separate case file folder/jacket. The case number is identical to the complaint number or petition number, except in those cases under the Juvenile Code where a single case file folder/jacket contains multiple petitions, in which case the case number may be the initial petition number or any other identifier which uniquely identifies the case file folder/jacket.
- In proceedings for the mentally ill, each individual entering the system for the first time must be assigned a unique case number which is used on subsequent petitions concerning the individual, regardless of the number of petitions filed on their behalf.
- A case number may also include other items such as an initial for a judge's name or a letter designating a specific copy of a multiple charge Uniform Law Citation.
- Numbers printed on the Uniform Law Citation need not comply with this standard; however, a case type code must be assigned to the ticket upon filing.

Use of Case Number

- Every pleading and other paper filed in a case must contain a caption stating the case number. In cases under the Juvenile Code where a single case file jacket contains multiple petitions, a separate petition number shall be placed on each petition and other paper filed. [MCR 8.119(D)(1)]
- In NA cases, if a court establishes a single NA case file folder involving multiple children within the same family, the court must have a means of uniquely identifying each child within the folder. One way of identifying each child is to assign to each the relevant petition number modified with a unique suffix.

Case File Management Standards

1.1.1:

Establishing and Maintaining
Case Files (continued)

Component 3	Phases of File Management Where Used
File Stamp	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Stamping Procedures:

Before stamping a document, one should ensure that it is complete in accordance with Component 5, signed, and (if required) notarized.

Items Subject to Stamping:

- The clerk of the court must endorse on every document the date on which it is filed.
[MCR 8.119(C)]
- File stamping traffic and civil infraction citations is optional, but highly recommended.
- Do not file stamp exhibits or driver's licenses.

Content of Stamp:

- The date must contain the month, day, and year.
- The date actually stamped on a document must be the day the document was actually received. If the clerk of the court is unable to stamp documents on the date they are received, the clerk must ensure that all papers received on a given day are batched and identified in some manner with the actual date they were filed until such time as the papers can be stamped.
- Stamping the time at which a paper is filed is optional.
- Stamping the name of the court where the paper is filed is optional.

Placement of Stamp:

- The date shall be stamped on the front of the first page of each document, and preferably in a location that does not obliterate information on the document.

When to Stamp:

- File stamp only after any required fees have been paid, waived or otherwise provided for.

Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 4	Phases of File Management Where Used
Paper and Language	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Paper Size:

- All pleadings and other papers prepared for filing in the courts of this state must be on good quality paper not exceeding 8½ inches wide by 11 inches long. *[MCR 1.109]*
- Attachments and exhibits need not meet the above standard, but parties are encouraged to reduce or enlarge such papers to 8½ by 11 inches if practical.

Language:

- Every pleading and all other papers must be legibly typewritten or printed in ink (preferably black) and in English. *[MCR 2.113(B), MCR 5.113(A), MCL 600.1427, Mich Sup Ct AO 1985-5]*

Procedure for Nonconformance:

- The clerk of the court may reject nonconforming papers unless written direction of a judge expressly states otherwise. *[MCR 1.109]*

Other Related Cites: MCR 2.602 (general civil), MCR 5.113(A)(2), MCR 5.602 (probate), MCL 780.651(5)

Cross References: See also Component 38 - Facsimile and Other Forms of Transmission.

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Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 5	Phases of File Management Where Used
Handling Case Papers with Errors	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Substantive Errors:

- The clerk of the court may not change substantive errors in pleadings which were made by the parties.

Clerical Errors:

- The clerk of the court may make changes in clerical errors when the correct information is adequately verified.
- The clerk of the court should correct or handle the following errors as soon as they are discovered and promptly notify parties of the corrections made or the action to be taken:
 - 1) incorrect case number, or incorrect petition number when applicable
 - 2) incorrect case caption
 - 3) defective notice to appear
 - 4) documents not notarized or signed when required
 - 5) documents received in error

Paper and Language Nonconformance:

- The clerk of the court may reject papers which do not conform with the form and content requirements of MCR 2.113(B) and (C) and MCR 5.113(A)(1). See Components 1, 2, and 4. [MCR 8.119(C)]

Other Related Cites: MCR 2.612(A) (general civil), MCR 2.613 (general civil), MCR 5.902 (juvenile), MCR 6.435 (criminal), MCR 7.208(A) and (B) (appeals), MCL 600.2301, MCL 600.2325

Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 6	Phases of File Management Where Used
Case File Folder/Jacket	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

When a Folder/Jacket is Needed:

- Except for civil infraction cases, the clerk of the court must keep and maintain a file folder for each action. [MCR 8.119(D)(1)(d)]

Type of Folder/Jacket:

- Folders should be of sturdy construction best suited to the frequency of use and to cost effectiveness and efficiency constraints.
- Full or partial tabbed file folders (preferably side-tabbed lateral) with standard 2" file (or Acco) fasteners are recommended; full side-tab folders are specifically recommended to accommodate color coded numbers and letters for the case number.
- Expansion-type folders are permitted.
- Avoid using folders which accommodate more than 2 inches of material; as a recommended alternative, use second and third volumes for a file when the material in a given case exceeds 2 inches. Mark folders 1 of ___, 2 of ___, 3 of ___, etc.

Numbering and Color-Coding of Folder/Jacket:

- The case number must be located on the tab. Additionally, the case number should be located on upper right-hand corner of folder.
- Petition numbers for juvenile delinquency and neglect/abuse proceedings appear only on the documents and in the case monitoring system.
- Color coding or colored file folders are optional but recommended.

Cross References: See also Component 30 - Active Files - Space, Equipment, and Supplies for further details on supplies.

Case File Management Standards

1.1.1:

Establishing and Maintaining
Case Files (continued)

Component 7	Phases of File Management Where Used
Placement of Papers in Case File Folder	Case initiation, maintenance, disposition to closing, post-adjudication.

Standard:

Placement of Papers:

- Case papers must be placed in the file in chronological order according to the filing date.
- Fasten case papers in folder (unless expansion folder is used) with the most recent in front.

Additional Actions:

- Check for correct case name and case number (and petition number when applicable).
- Check for file stamp.
- Note the location of case papers and exhibits stored apart from the case folder on the Register of Actions.
- Update Register of Actions.

Cross References: See also Component 9, Minimum File Contents

Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 8	Phases of File Management Where Used
Case Files and Other Documents Maintained Separately	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

General Procedures:

- Maintenance of separate materials is the responsibility of the clerk of the court.
- Mark the envelope or folder of separate materials with the case number and place on shelf behind the case folder or in a separate section.
- As indicated in Component 7, note on the Register of Actions the location of case papers, exhibits, and transcripts stored apart from the primary case folder/jacket.
- If the filing of large transcripts interferes with efficient handling of the case folder, store the transcripts separately from the case folder in a binder or other location.
- Store large items in an envelope or folder separate from the case folder.
- Maintain exhibits received at or during trial/hearing separately from case files.

Material for which Access is Restricted:

- Maintain case evaluations, acceptances, rejections, and awards separately from case files. *[MCR 2.403(N)(4)]*
- Maintain mediation documents separately from case files. *[MCR 2.411(C)(5) and MCR 3.216(H)(8)]*
- Maintain confidential (social) files for juvenile delinquency and neglect abuse separately from case files. *[MCR 5.925]*
- Identifying information in parental rights restoration action proceedings shall be sealed in an envelope marked confidential on which the case number has been written and placed in a private file. *[MCR 5.783(B)(2)]*
- Maintain copies (copy by microfilming or other means) of all testamentary documents of deceased persons, bonds, orders, and such other documents as the court directs separately from case files. *[MCR 8.302]*

Cross References: See also Component 19 - Access to Records and Case Folders, Component 20 - Receipt and Storage of Exhibits, and Area 4 - File Retention and Destruction.

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Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

A case file consists of not only the case folder/jacket but of envelopes, boxes, binders and other appropriate supplies intended to house the individual documents and records of a given case file.

Component 9	Phases of File Management Where Used
Minimum File Contents	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

- At a minimum, the clerk of the court must place in the case file the following documents filed in an action: *[MCR 8.119(D)(1)(d)]*
 - 1) pleadings
 - 2) process, proofs of service
 - 3) judgments, findings, written opinions, and orders
 - 4) transcripts ordered to be filed by the court *[MCR 8.108(D), (F)]*
 - 5) orders of disqualification and case specific assignments
- In addition to the above, the clerk of the court must place in a juvenile delinquency or child protective case file all motions, notices, memoranda, and briefs *[MCR 5.903(A)]* and all other records listed in Michigan Supreme Court Administrative Order 1985-5.
- The clerk of the court must place any other documents in the file as prescribed by court rule or statute or as ordered by the court. Other documents not prescribed by court rule or statute may be placed in the case file if required by the court, except that exhibits should be maintained separately.
- Placing discovery materials in a case file is regulated by MCR 2.302(H) and MCR 2.316.
- Note on the Register of Actions every document placed in the case file. As indicated in Component 7 and Component 8, include the location of documents such as transcripts and other large items, that are stored separately from the primary case file jacket/folder.
- Receipts should be attached to or placed in the file unless an automated financial case management system provides the receipt information in the automated case file record.

Other Related Cites:

General: MCR 2.101, 2.107(D)/(G), 2.113(F), 2.602, 2.603(B)(4), 2.620, MCL 600.8635

Special: MCR 3.211, 3.302(E), 3.303, 3.310(B)(4), 3.703(A)

District: MCR 4.002, 4.101(A)

Probate: MCR 5.101, 5.102, 5.104, 5.107, 5.162, 8.302

Juvenile: MCR 5.903(A)(9), 5.932(C), 5.965(B), Mich Sup Ct AO 1985-5

Criminal: MCR 6.101, 6.104, 6.615(A), 6.901

Other: MCR 5.783(B), MCL 600.8635

Cross References: See also Component 34 - File Contents Retained and Destroyed

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Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 10	Phases of File Management Where Used
Court Seal and Other Stamps	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Required Seals and Stamps:

- Courts of record shall have a common seal. *[Art. 6, §19]* The Supreme Court seal is an inch and three-quarters in diameter. Seals of all other courts should have the same device as the Supreme Court, should be somewhat smaller, and should have such descriptive words upon them as may suit the respective court. *[Resolution of Executive Department of Michigan Territory, 1814]*
- At a minimum, the clerk of the court must maintain the following stamps:
 - 1) court seal *[Art. 6, §19, MCL 600.571(f), MCL 600.832(1), MCR 600.1416]*
 - 2) confidential stamp
 - 3) certified copy stamp which includes language such as “This document is a full and correct copy of the original on file in the _____ Court, State of Michigan.”

Sealing Procedure:

- When it is directed that the seal of a court is required to be affixed to any paper issuing from the court, the word “seal” means the impression of the seal on the paper alone, as well as the impression of the seal affixed by means of a wafer or wax. *[MCL 8.3n]*
- The court seal may be impressed directly upon the instrument or writing to be sealed, or upon wafer, wax or other adhesive substance, or upon paper or other similar substance. *[MCL 565.232]*
- A preprinted seal has the necessary qualities of an impression and is sufficient to establish the official character of a judicial officer and the court.

Maintaining Court Seal:

- The clerk of the court has the care and custody of all seals pertaining to the office of the clerk for the court.
- Whenever the seal of any court becomes unusable that court shall have that seal destroyed. *[MCL 600.1416]*
- Whenever the seal of any court is lost or destroyed, that court shall have a duplicate made which then shall become the seal of that court; the expense of a new seal for a court shall be paid from the state treasury. *[MCL 600.1416]*

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Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 10 (continued)	Phases of File Management Where Used
Court Seal and Other Stamps	Case initiation, maintenance, disposition to closing, post-adjudication

Documents Requiring the Seal of the Court:

- Summons must be issued under the seal of the court that issued it. *[MCR 2.102(B), MCR 3.301(C), MCR 4.201(C), MCR 4.202(E), MCL 600.1905]*
- A subpoena must be imprinted with the seal of the Supreme Court of Michigan. *[MCR 2.305, MCR 2.506]*
- An order, judgment or decree of any court of record of this state which is to be admitted in evidence must be sealed by that court. *[MCL 600.2106]*
- Whenever a certified copy of any affidavit, record, document or paper is declared by law to be evidence, such copy shall be certified by the clerk or officer . . . and shall be attested by the seal of the court. *[MCL 600.2129]*
- A certificate ordering persons outside the state who are required as witnesses in this state to attend and testify must be sealed by the court. *[MCL 767.93]*
- A judgment of sentence to a state prison must be sealed by the court. *[MCL 769.17]*
- A final judgment affecting the title to or possession of property in a county other than the county which tried the case must be sealed by the court. *[MCL 600.1659]*
- These standards require that all service of process or other document creating power to arrest be sealed, including:
 - 1) arrest warrants, bench warrants, and search warrants
 - 2) pretrial release orders
 - 3) writs of garnishment, restitution, execution, habeas corpus and certiorari, and other orders of similar nature

If search warrants are issued outside regular business hours (i.e. in the home of the judge or magistrate), the original search warrant should be sealed when it is filed with the clerk of the court.

If arrest warrants are issued electronically to law enforcement and a court enters its own warrants into LEIN, the court must still seal the original warrant kept in the court's case file.

Other Related Cites: MCL 14.102, MCL 24.36, MCL 123.124, MCL 565.411, MCL 570.404, MCL 570.432, 600.1401, MCL 600.2102-600.2104, MCL 600.2118a, MCL 600.3175, MCL 600.6051, MCL 600.6093, MCL 767.92, and MCL 768.22

Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 11	Phases of File Management Where Used
Transferring Case Files	Case initiation, maintenance

Standard:

Applicability of Standard:

This standard does not apply to appellate transfers or to cases assigned to a judge of another court. For standards regarding appellate transfers, see Component 26 - Appeal Processing, on pages 44 and 45.

Conditions for Transfer:

- Venue is changed. [MCR 2.222, MCR 2.223, MCR 2.225, MCR 2.226, MCR 5.128, MCR 5.926(E), MCL 600.1653]
- Jurisdiction is transferred, either before or after judgment. [MCR 2.227, MCR 3.212, MCR 4.002, MCR 5.926(E), MCR 5.939, MCR 6.911, MCL 600.8423, MCL 766.14]
- Judgments affecting real or tangible personal property in a county other than the county that tried the case. [MCL 600.1659]
- Criminal case is bound over from district court to circuit court. [MCR 6.110(G)]
- Court reporter/recorder dies, resigns, is removed from office, or leaves the state. [MCR 8.108(D)]
- Districts are reconstituted. [MCL 600.9924(2), MCL 600.9930]

General Transfer Procedures:

- The clerk of the court is responsible for transferring files.
- As required by court rule or statute, send all case folder contents (original documents or certified copies of documents), depositions, exhibits, copy of the register of actions, original order for change of venue/jurisdiction, and register of actions listing documents and indicating any fees. See below for additional specific information.
- Transfer original documents by registered or certified mail, return receipt requested, or by courier service.
- Maintain the original case folder and a copy of the register of actions listing the documents sent, postal receipts from registered mailing, and a copy of the order for change of venue or transfer of jurisdiction. Additionally, manual courts may want to maintain a copy of the register of actions in the case file.

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Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 11 (continued)	Phases of File Management Where Used
Transferring Case Files	Case initiation, maintenance

Specific Procedures for Change of Venue:

- If a civil action is transferred for change of venue, the clerk transferring the action shall promptly forward to the clerk of the court to which the action is transferred the original papers filed in the action and shall send written notice of this action to the parties. A demand for a jury trial in the court in which the action was originally filed is preserved after transfer and if the jury fee had been paid, the clerk shall forward it with the file to the clerk of the court to which the action is transferred. *[MCR 2.222-MCR 2.226, MCL 600.856, MCL 600.1651 et seq.]*
- Postjudgment transfer of domestic relations cases includes change of venue and transfer of all friend of the court responsibilities. The clerk of the transferring court must send to the clerk of the receiving court all court files and friend of the court files, ledgers, records, and documents that pertain to the action along with the filing fee. Court and friend of the court files must be transferred by registered or certified mail, return receipt requested, or by other secure method. *[MCR 3.212]*
- If an order of transfer is entered in a domestic relations case, the clerk of the court must send to the court that issued the prior valid support order all pertinent papers, including all court files and friend of the court files, ledgers, records, and documents. Court files and friend of the court files must be transferred by registered or certified mail, return receipt requested, or by other secure method. *[MCR 3.214]*
- If venue is changed in a probate case, the clerk of the court must send to the transferee court, without charge, copies of necessary documents on file as requested by the parties and the original of an unadmitted will or a certified copy of an admitted will. *[MCR 5.128]*
- If an order of transfer or change of venue is entered in a juvenile delinquency or child protective case, the clerk of the court shall send the original pleadings and documents, or certified copies of pleadings and documents, to the receiving court without charge. *[MCR 5.926(E)]*

Specific Procedures for Transfer of Jurisdiction:

- If a civil action is transferred for lack of jurisdiction and if fee and costs have been paid, the clerk of the court transferring the action shall promptly forward to the clerk of the court to which the action is transferred the original papers filed in the action and the filing fee and shall send written notice of this action to the parties. A demand for a jury trial in the court in which the action was originally filed is preserved after transfer and if the jury fee had been paid, the clerk shall forward it with the file to the clerk of the court to which the action is transferred. *[MCR 2.227, MCL 600.856, MCL 600.1651 et seq.]*

Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 11 (continued)	Phases of File Management Where Used
Transferring Case Files	Case initiation, maintenance

Specific Procedures for Transfer of Jurisdiction: (continued)

- If a civil action is transferred from the district court to the circuit court, and if costs and fees have been paid, the clerk of the court from which the action is transferred shall forward to the circuit clerk of the court the original papers in the action and the circuit court filing fee. *[MCR 4.002]*
- If a small claims action is transferred to another court as the result of a counterclaim which exceeds an amount over the jurisdiction of small claims division and the transmittal fee has been paid, the clerk of the court shall transmit all files and papers in the action to the other court. The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is transferred any transmittal, appearance or filing fee in the action. *[MCL 600.8423]*
- If a criminal case is transferred/boundover from one court to another for proper jurisdiction, the clerk of the court must certify and transmit to the court before which the defendant/minor is bound to appear the prosecutor's authorization for a warrant application, the complaint, a copy of the register of actions, the examination return, and any recognizances received. *[MCR 5.939, MCR 6.110(G), MCR 6.911, MCL 766.14]*
- If a case is transferred to the family division of circuit court by the district court, the clerk of the court must send the transcript of the preliminary examination to the juvenile court without charge upon request. *[MCR 6.911, see above also]*

Specific Procedures for Miscellaneous Transfers:

- When a civil action affecting the title to or possession of that property has been tried in a county other than the county in which all the property is situated, the clerk of the court, after final judgment, must certify a copy of the judgment under the seal of the court and transmit the copy to the corresponding court of any county in which property affected by the action is situated. The clerk of the court receiving the copy must file and record the judgment in the records of the court, briefly designating it as a judgment transferred from another court (naming the court). *[MCL 600.1659]*
- If a court reporter/recorder dies, resigns, is removed from office, or leaves the state, his/her records in each case must be transferred to the clerk of the court in which the case was tried. The clerk of the court shall safely keep the records subject to the direction of the court. The records are a part of the record of each case and are subject to inspection in the same manner as other records. On order of the court, a transcript may be made from the records and filed as a part of the record in the case. *[MCR 8.108(D)]*

Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 12	Phases of File Management Where Used
Making Copies of Case Files	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Copies in General:

- **Requests by General Public:** If a person wishes to obtain copies of papers in a file, the clerk of the court shall provide copies upon receipt of the reasonable cost of reproduction except for requests under MCR 6.433(A). If the clerk prefers, the requesting person may be permitted to make copies at personal expense under direct supervision of the clerk. Except for copies of transcripts or as otherwise directed by statute or court rule, a standard fee may be established for providing copies of papers in a file. *[MCR 8.119(E)(2)]*
- **Requests by Executive Branch Offices:** Copies of papers, records, or documents of the clerks of any court of record or municipal court shall be provided without payment of a fee or charge to the secretary of state, auditor general, state treasurer and attorney general, and shall be made available to the director of commerce for a reasonable fee not to exceed the actual cost for providing the information. *[MCL 600.2507]*

Certified Copies: *[see MCL 600.2546 for fee per page for certified copies]*

- Certification must be made from the original only.
- Only certified copies are admissible as evidence. *[MCL 600.2106]*

True Copies:

- There is no statutory authority to charge for true copies. *[See unpublished Attorney General Opinion 2232, 2/6/56]*
- **Cites Which Require or Refer to True Copy:** MCL 14.256, MCL 35.80, MCL 123.784, MCL 125.534, MCL 257.403, MCL 257.515, MCL 257.523, MCL 257.624b, MCL 324.80175, MCL 326.38, MCL 432.9d, MCL 445.3, MCL 446.53, MCL 561.2, MCL 600.667, MCL 600.2950(15), MCL 600.2950a(12), MCL 600.8423, MCL 712A.18b, MCL 720.212, MCL 720.218, MCL 720.221, MCL 722.27a, MCL 750.50, MCL 764.15f, MCL 767A.7, MCL 7723.13, MCL 774.2, and MCL 780.702a and MCR 3.207(B)(2), MCR 3.211(I)(1), MCR 7.105(D), MCR 7.204(C)(4)

Cross References: See Component 10 - Court Seal and Stamps regarding certification. See Component 19 - Access to Records and Case Folders, for information regarding documents which may not be copied, copying procedures, and associated costs. For information about copying other case related records such as videotapes and audiotapes, see Component 24 - Court Recordings - Audiotapes and Component 25 - Court Recordings - Videotapes.

Other Related Cites: MCR 2.119(B), MCR 6.433, MCR 7.210(D), MCL 600.2101 et seq., MCL 768. 22, see also Records Media Act (24.401-24.403) and DMB Rule 96-046

Case File Management Standards

1.1.1: Establishing and Maintaining
Case Files (continued)

Component 13	Phases of File Management Where Used
Consolidating Cases	Case initiation, maintenance

Standard:

Consolidation Procedures:

- Whether consolidation is for legal or administrative purposes, the same procedure shall be followed.
- When cases are consolidated or joined, the indexes, registers of action, and case file folders must be cross-referenced. Write on each case folder “consolidated with (case number)”. Enter on each register of action and the index cards the case number(s) with which that case is consolidated.
- Papers must be filed in the folder with the lowest case number. If there is an original order of consolidation, file it in the case folder with the lowest case number and file a copy in the other case folder(s), unless otherwise specified by the order of consolidation.
- Case numbers shall not be reused. Leave each case folder in its present numerical sequence in the filing system.
- Case consolidation is the responsibility of the clerk of the court.

Post-Consolidation Procedures:

- File subsequent documents in the case folder with the lowest number unless otherwise specified by the order.
- Make subsequent register of action summary entries only on the register for the case where the documents are stored.

Example when consolidation is necessary: When a prosecuting official files multiple complaints for multiple offenses arising out of one incident by one defendant, the court must consolidate the complaints into one case. [MCR 6.120]



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1.1.2: Establishing and Maintaining Register of Actions

Component 14	Phases of File Management Where Used
Register of Actions	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Form and Maintenance in General:

- When referring to a case history, all courts are to use the term “**register of actions**” instead of “journal,” “docket,” “docket entry,” “case history,” “case file information,” or any other synonymous term. Journals are not required except for recording marriages, and the register of actions replaces a docket. [MCR 8.119(D)(4), MCL 551.7]
- The clerk of the court must keep and maintain a register of actions for each case except civil infractions. [MCR 8.119(D)(1)]
- Each notation in the register of actions shall have information identifying who made the notation. [MCR 8.119(D)(1)]
- If the register of actions is maintained manually, it is to be placed in the case folder or pre-printed on the outside of the case file jacket/folder unless it is used during the active stage as a means for case monitoring, at which point, it can be maintained with other registers in a future action file (Component 15, Future Action Information) or some other case monitoring filing system. If it is maintained electronically, it is adequate that the information be maintained on the computer.
- Since the register of actions represents the complete history of a case, it is vital that it be updated regularly and with as much specificity as possible. It is the permanent record of the case once the case file and its contents are destroyed in accordance with the Record Retention and Destruction Schedule.

Preprinted SCAO Approved Register of Action Form for Manual System:

- The preprinted form should be printed with black ink.
- The paper weight should be 100-pound card stock to allow for frequent handling.
- The paper size should be no larger than 8 ½ by 11.
- The attached index (see Component 17) and calendar cards (see Component 16) should be perforated to result in standard size cards (3 x 5 or 4 x 6) when separated.

See **Appendix** for sample forms.

Case File Management Standards

1.1.2: Establishing and Maintaining
Register of Actions
(continued)

Component 14 (continued)	Phases of File Management Where Used
Register of Actions	Case initiation, maintenance, disposition to closing, post-adjudication

Required Content:

At a minimum, the Register of Actions must contain the following: *[MCR 8.119(D)(1)(c)]*

- 1) case number (also appears on index)
- 2) case type (code)
- 3) case name (also appears on index)
- 4) attorneys (also appears on index)
- 5) date filed (also appears on index)
- 6) fees paid (when applicable)
- 7) offense (if one)
- 8) judge assigned (code)
- 9) process issued and returned and date of service
- 10) date and title of each “filed” document
- 11) date of each event, type of action, and result
- 12) date of scheduled trials, hearings, and all other appearances or reviews
- 13) judge at adjudication (code)
- 14) date adjudicated
- 15) how adjudicated (code)
- 16) location of papers filed apart from the case folder (e.g. exhibits, video tapes, audio tapes, or court reporter log)
- 17) fees for officers, transportation, and jurors (if not maintained in the accounting system)

Cross References: For details on the importance of adequately maintaining the register of actions, see Area 4 regarding file retention and destruction.

Other Related Cites: MCL 600.8344, MCL 774.2, MCL 774.3, MCR 7.210(H)



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1.1.3: Case Monitoring

A calendaring system should be designed to keep track of cases that are removed from the court schedule with no specified alternate date and of changes that occur because of continuances that are granted. All cases should be flagged in some manner at adjudication (disposed) for statistical reporting purposes. After adjudication, cases should continue to be monitored as necessary until the case is closed. The court scheduling and case monitoring systems are separate but complementary activities.

Component 15	Phases of File Management Where Used
Future Action Information	Case initiation, maintenance, disposition to closing

Standard:

Required Information:

- Every pending case must have a next-appearance or review date.
- Scheduling systems must reveal due/review dates of all future case events that have been scheduled.

Form of Information:

- If future action information is maintained manually, then it should be stored in the case file folder; see page 19 for alternative. If it is maintained electronically, then it can be maintained on the computer.

Monitoring Procedures:

- Case processing procedures vary depending on the type of case.
- Review case files on a regular basis until adjudication.
- Periodically check the scheduling system to make sure a case hasn't been overlooked.
- Followup action must be taken if a scheduled due date comes and goes without the required action.
- Once a scheduled event has passed, determine the next appropriate action and update the register of actions.
- After adjudication, continue to monitor cases as required.

Other Related Cites: MCR 2.401(B)(1)(b), Michigan Supreme Court Administrative Order 1991-4, Caseflow Management Guide

Case File Management Standards

1.1.3:

Case Monitoring (continued)

Component 16	Phases of File Management Where Used
Court Calendar and Docket	Case initiation, maintenance, disposition to closing

Standard:

Preparation:

- A court may adopt a trial calendar or other method for scheduling trials without the request of a party. *[MCR 2.501(A)(2), MCR 8.119(D)(3)]*
- Appearances in confidential matters should either not be placed on the public calendar or should be noted only as a “hearing,” listing the case number without the case type and the case name.
- Individual judges’ dockets in multi-judge courts should be prepared daily or weekly and distributed to court personnel and officers.

Use:

- A calendar listing individual cases should be prepared for use by the clerk of the court and other courtroom personnel in calling the cases in an orderly manner.
- Calendars may be distributed to the judges, to prosecuting attorneys, to defense attorneys, to clerks of the court, and in public corridors outside courtrooms.
- Public calendars should be posted and should include only the type of hearing, courtroom number, and scheduled time. Party names may be included to assist parties since they may not know their case number.
- The clerk of the court’s copy of the calendar may be used for updating other records and tracking court actions.

Retention:

- The clerk of the court’s copy of the calendar must be kept for at least one year as required by the record retention and disposal schedule.
- Public court calendars should be discarded after they are no longer of use.

Other Related Cites: MCR 8.205, Michigan Supreme Court Administrative Order 1991-4, MCL 600.8551, Royal Oak Trucking Co v Keller, 17 Mich App 532, Dickinson v Henderson, 122 Mich 583



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1.1.4: Establishing and Maintaining Indexes to Case Files

Indexes are an important record series and serve as a cross-reference of case titles to the case numbers. Automation is the best indexing method available, particularly if supported by computer output microfilm (COM). Index card systems are the best manual alternative because cards can be filed in true alphabetic order and are generally easier to use, but access must be controlled to prevent misfiles.

Component 17	Phases of File Management Where Used
Numerical and Alphabetical Indexes	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Preparation:

- The clerk of the court must maintain the numerical index as a list of consecutive case numbers. [MCR 8.119(D)(1)(a)]
- The clerk of the court must maintain an alphabetical index as a list of party names. [MCR 8.119(D)(1)(b)]

Content:

- Indexes available to the public shall not contain information restricted by statute, court rule, or suppression order.
- Indexes shall contain only the following: [MCR 8.119(D)(1)(a), (b)]
 - 1) the case number
 - 2) the date of filing
 - 3) the names of the parties (subjects of the case or case name)

Maintaining Indexes:

- Indexes may be maintained either as a central index for all cases filed in the court or as separate lists for particular types of cases or particular divisions of the court.
- Indexes may be automated or maintained on cards.
- If a manual card system is used, it is recommended that file drawers contain a rod to prevent removal of cards during normal every day referral to the cards.

Case File Management Standards

1.1.4: Establishing and Maintaining
Indexes to Case Files (continued)

Component 17 (continued)	Phases of File Management Where Used
Numerical and Alphabetical Indexes	Case initiation, maintenance, disposition to closing, post-adjudication

Conventions for Indexing:

- 1) If any index entry or card could create confusion, make another entry or card as a cross-reference.
- 2) The first-named party to an action is indexed by the first letter of the last name. The other named parties are listed on that index card and may be indexed separately.
- 3) Names of firms, corporations, and institutions are indexed as written, word-for-word, except that articles (a, the, etc.) are not indexed.
- 4) Names beginning with numerals are indexed as if the numeral is written out (e.g., 10th Street Corporation is filed as if it were Tenth Street Corporation).
- 5) Matters that are “in re,” “in the matter of,” “State of Michigan” are indexed by the name of the party for whom the action is brought.
- 6) Surnames beginning with de, De, des, Des, Mc, Mac, and O’ are filed alphabetically just as they are spelled, among the other surnames beginning with the same letters. An example of correct sequence is: de Marais, Desch, Desoto, Des Roches, Dewey, DeWitt, Mabry, MacConnell, Madison, McKinley, Oldham, O’Leary, Olesen, O’Loughlin.
- 7) “Doing business as” (or d/b/a) should be indexed under the business name, with the party’s personal name also on the index. For example: John Smith d/b/a Ace Plumbing [is indexed as] Ace Plumbing (John Smith).
- 8) The word “suppressed” should be added to the index when a case is suppressed.
- 9) Hyphenated names should be indexed by the first letter of the first name of the hyphenated name

Cross References: See Component 19, Access to Records and Case Folders for additional information regarding access to confidential information.

Other Related Cites: MCL 449.103, MCL 449.105, MCL 600.832(3), MCL 774.2a(2)



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1.1.5: Establishing and Maintaining Group Files

Group files are generally defined as records the court is required to keep but which are not part of a basic case file series (but can include certain case file series). Examples include employee oaths of office, employee notary public appointments, search warrants, petitions and orders for name change, civil infraction and traffic tickets, subpoena for taking deposition on an out-of-state case, filing of letters by foreign personal representative, and demands for notice of estate proceedings where no case yet exists.

Component 18	Phases of File Management Where Used
Group Files	Case initiation, maintenance, disposition to closing

Standard:

Procedures in General:

- Group files must be labelled, readily accessible, indexed by subject matter, and numbered individually as required by statute or court rule.
- To assist the clerk of the court in monitoring and reporting certain activities, some group files which are not part of a basic case file series should be assigned a file number using a year identifier followed by a sequential number (e.g., 86-25).
- Documents should be file stamped when appropriate.

Procedures for Files on Officials:

- Enter the following information in a loose-leaf register of officials:
 - 1) name
 - 2) date of qualification
 - 3) commencement and termination of term (if applicable)
 - 4) file number
- File the supporting documents by consecutive number in the appropriate group files by type of official.

Procedures for Search Warrants:

- Search warrants must be filed in an annual group file by date of issuance.
- The original affidavit and search warrant must be maintained by the court.
- Warrants must be moved from the group file and placed in the case file when the court so orders.

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1.1.6: Providing Public Access to Records; Confidential Records

Court records are public records, except for those records designated by statute, court rule, case law, or court order as having restricted access. Common terms used to describe restricted-access records include “non-public,” “confidential,” and “sealed.” This component summarizes the requirements for keeping restricted-access records, how to handle requests by the public to view those records, and the possibilities for obtaining access to them. Policies for accessing all records, whether open to the public or not, should be documented and appropriate references to statutes or court rules should be included in the documentation.

Component 19	Phases of File Management Where Used
Access to Records and Case Folders	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Procedures in General:

- Court records are not subject to Freedom of Information Act requests. *[MCL 15.232(b)(v)]*
- Court records are public unless specifically restricted by law or court order. Any person may inspect any public court file unless access is restricted by statute, court rule, case law, or suppression order. *[MCR 8.119(E)]*
- Except as otherwise provided by statute or court rule, a court may not enter an order that seals court records, in whole or in part, in any action or proceeding unless certain conditions exist. *[MCR 8.119(F)]*
- Original records or case files shall not be taken or removed from the court without specific court order. If so ordered, the original case folder and a copy of the register of actions shall be maintained until the records or case files are returned.
- Specific recommended procedures for obtaining access to records and case folders are set forth in Model LAO 8 - Public Access to Records and in Section 8 of the Michigan Court Administration Reference Guide.
- To ensure that procedures are carried out uniformly and correctly, only authorized personnel should be assigned the responsibility of processing requests to access restricted access records. If court staff is able to acknowledge that a requested record exists, inquiries regarding these records should be referred to authorized personnel. See **Appendix** for a table of court records that have restricted access.

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Case File Management Standards

1.1.6: Providing Public Access to
Records; Confidential Records
(continued)

Component 19 (continued)	Phases of File Management Where Used
Access to Records and Case Folders	Case initiation, maintenance, disposition to closing, post-adjudication

Procedures for Indexes:

- The clerk of the court must take precautions to maintain the confidentiality of pieces of information found in public indexes. This information includes confidential information regulated by Michigan or federal statute, federal regulation, or Michigan court rule.
- In automated systems, public indexes must omit all entries for restricted-access cases. In manual systems, the court should make some other arrangements to ensure access to entries is restricted.

Procedures for Restricted-Access Files:

- Access to an entire file may be restricted by court rule, statute, or a judicial order under certain circumstances.
- Case folders and related records (register of actions, indexes, court reporter notes, audio or video recordings, calendars, and public calendar, etc.) of certain types should be marked confidential. See the table entitled “Statutory-Based and Rule-Based Limited Access Court Records” in the **Appendix**.
- The file area containing frequently accessed restricted-access files should be away from the area accessible to the general public and unauthorized personnel and should be supervised.
- Each folder should be clearly identified to warn court personnel that access to the folder is restricted.
- The procedures and policies for restricted-access files should be explicitly stated in the court rules or clerk of the court’s manual and periodically reviewed with all staff who come into contact with such files.

Procedures for Restricted-Access Records within Files:

- The clerk of the court must take precautions to maintain the confidentiality of pieces of information in restricted-access case files and other court records. This information includes confidential information regulated by Michigan or federal statute, federal regulation, or Michigan court rule. See the table entitled “Statutory-Based and Rule-Based Limited Access Court Records” in the **Appendix**.

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Case File Management Standards

1.1.6: Providing Public Access to
Records; Confidential Records
(continued)

Component 19 (continued)	Phases of File Management Where Used
Access to Records and Case Folders	Case initiation, maintenance, disposition to closing, post-adjudication

- When access to a record is restricted by statute, court rule, or order, the trial court should clearly mark the record "NONPUBLIC RECORD".

Access Restricted by Court Order:

- When a court has ordered, or has pending before it a request to order, a limitation on the access of the public to court proceedings or records of those proceedings that are otherwise public, any person may file a motion to set aside the order or an objection to entry of the proposed order. If the court denies a motion to set aside the order or enters the order after objection is filed, the moving or objecting party may file an application for leave to appeal in the same manner as a party to the action. *[MCR 8.116(D)]*
- When public inquiry is made about a record the access to which is restricted by court order, court personnel should admit that a record exists without specifying what the record is, should indicate that access to the record is restricted, and should refer the inquiring person to the procedure for access to these records in MCR 8.116(D).

Social Security Numbers:

- According to the Conference of State Court Administrators (COSCA) and the National Association for Court Management (NACM) Joint Technology Committee, Section 7(b) of the Privacy Act of 1974, Pub.L. 93-579, uncodified but appearing in the annotated code as a historical note at 5 USC §522a does not apply to state courts. The section states that any state agency requesting an individual to disclose a social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.
- The COSCA/NACM Joint Technology Committee concludes that Section 405(c)(2)(C) (viii)(I) of the Social Security Code does apply to state courts. That section states that social security account numbers and related records that are obtained or maintained by an authorized person pursuant to any provision of law, enacted on or after October 1, 1990, shall be confidential, and no authorized person shall disclose any such social security number. In context the statute means that the dissemination of social security numbers should be restricted to only those purposes for which they were collected or for which there use is authorized by federal or state law.

Case File Management Standards

1.1.6: Providing Public Access to
Records; Confidential Records
(continued)

Component 19 (continued)	Phases of File Management Where Used
Access to Records and Case Folders	Case initiation, maintenance, disposition to closing, post-adjudication

- Recommended Procedures Regarding Social Security Numbers:
 - 1) Courts should not attempt to expunge or redact social security numbers that appear in documents that are public records.
 - 2) Courts should take steps to restrict access to social security numbers appearing in court databases and should not be available to public inquirers. Access to databases should be restricted to court staff and to other specifically authorized persons such as child support enforcement agencies for whose use the information was gathered.
 - 3) When court automated records include social security numbers in order to identify parties, court staff should not provide those numbers to persons who inquire at the public counter or by telephone. However, staff may confirm that a party to a case is the person with a particular social security number when the inquirer already has the social security number and provides it to court staff.

Cross References: See also Component 16 - Numerical and Alphabetical Indexes for additional information about public access.

Other Related Cites: MCR 2.302(C), MCR 5.903(A)(18), MCL 600.832, MCL 600.2137(4)(a), MCL 712A.28



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1.1.7: Receipt and Return of Exhibits

For purposes of this standard exhibits are evidence introduced at or during court proceedings to support litigation. It does not apply to exhibits and other discovery materials attached to pleadings and other documents filed with the court.

Component 20	Phases of File Management Where Used
Receipt and Return of Exhibits	Maintenance

Standard:

General Procedures:

The court should develop guidelines for accepting exhibits offered into evidence and maintaining them **during or at trial/hearing**. Generally, this is the responsibility of the court reporter or recorder but may be other court staff.

Exhibit Log Form:

- An exhibit log must be kept to monitor acceptance of exhibits offered into evidence.
- An exhibit log must provide for the following information:
 - 1) hearing or trial dates
 - 2) case number
 - 3) case title
 - 4) attorneys' names
 - 5) exhibit description
 - 6) exhibit numbers
 - 7) date and time marked
 - 8) date and time admitted into evidence and initials of receiving clerk

Procedures for Receiving Exhibits: [MCR 2.518(A)]

- Upon receipt of exhibits, the individuals assigned responsibility for accepting the exhibits offered into evidence shall do the following:
 - 1) List all exhibits on the exhibit log. An original of the exhibit log must be placed in the case file.
 - 2) Mark each exhibit with sufficient information to identify it to the case. Include the names of parties when multiple plaintiffs or multiple defendants are involved. Place a label, or a tag for large bulky exhibits, on each exhibit.

Case File Management Standards

1.1.7:

Receipt and Return of Exhibits
(continued)

Component 20 (continued)	Phases of File Management Where Used
Receipt and Return of Exhibits	Maintenance

- 3) When using stamps or stickers, be careful not to obliterate important portions of the exhibit or make it difficult to identify information.

Procedures for Maintaining Exhibits During Trial/Hearing:

- Keep all exhibits secured during trial/hearing. Narcotics, weapons, money, and valuable or sensitive materials should be guarded or secured during court recesses and lunch hours.
- Keep rejected exhibits and other exhibits to be withheld from the jury separate from the admitted exhibits.
- If counsel or the court takes an exhibit from the courtroom during trial/hearing, make a note of the number of the exhibit and the person who has it.

Procedures for Returning or Disposing of Exhibits After Trial/Hearing: [MCR 2.518(B)]

- Exhibit logs should not be returned to parties.
- At the conclusion of a trial or hearing, exhibits should be retrieved by the parties submitting them, except that any weapons and drugs or other relevant items shall be returned to the confiscating agency for proper disposition.
- If the exhibits are not retrieved by the parties within 56 days after conclusion of the trial or hearing, the court may properly dispose of the exhibits without notice to the parties.



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1.1.8: Establishing and Maintaining Juror Records

Component 21	Phases of File Management Where Used
Juror Records	Maintenance, disposition to closing

Standard: [MCR 2.510(C)]

- The juror personal history questionnaire shall be filed with the clerk of the court or the jury board.
- The only persons allowed to examine the questionnaire are the judges of the court, the clerk of the court or deputy clerks, parties to actions in which the juror is called to serve and their attorneys, and persons authorized access by court rule or by court order.
- Each court shall select and implement one of the model procedures for providing attorneys and parties reasonable access to juror questionnaires.
- Juror personal history questionnaires must be kept on file for 3 years from the time they are filled out.

Cross References: See also Component 19 - Access to Records and Case Folders for additional information about public access.

Other Related Cites: See also Michigan Supreme Court Administrative Order 1987-1.



Michigan Supreme Court
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Case File Management Standards

AREA 1: Active Case File Management

1.2: Case Disposition and Closing

Purpose: Case disposition and closing procedures move a case from active pending status to disposed case status and finally to inactive closed case status. Establishing a case disposition and closing procedure is an integral part of each case's processing procedure. It should be viewed as a logical continuation of records management since accumulation of records can cause problems related to records storage, microfilming, and records research. See Area 4 for further standards.

Open Cases: Open cases include **active pending** cases and **active adjudicated or disposed** cases. Since many adjudicated or disposed cases continue to have activity (requiring further hearings, monitoring, or supervision by the court for a number of months or years) procedures must be developed which specify where various files should be stored.

Active Pending Cases: These are cases which are pending adjudication/disposition.

Active Adjudicated/Disposed Cases: These are cases which have been adjudicated. Most cases are counted on the statistical reports at this point but will remain open for a significant length of time; however, the level of activity will vary. Processing procedures should define what events signal case disposition and what specific procedures to follow; some of these procedures are prescribed by caseload collection reporting procedures. To avoid future inclusion in certain age-of-pending-cases statistics, disposed cases must be designated as such. Disposition documents must be reviewed carefully to ensure all matters are properly handled with respect to disposition.

Closed Cases: The closing of a case takes place separately from disposition; several weeks to several years may have passed since disposition. Closed cases are no longer active and can be moved to inactive storage. Case files should be in chronological order for processing. A case closing procedure or checklist is needed to ensure that all essential and required documents are in the file. See Area 2 for further standards.

General Case Processing Procedures and Records Created or Used

Procedures/Events	Records Created or Used
Case adjudication/disposition	Register of actions, dispositive order, disposed case file, may remain active or become inactive depending on classification
Case closing	Disposed case file becomes closed case file
Statistical and management reporting	Statistical reports file



Michigan Supreme Court
State Court Administrative Office

Case File Management Standards

AREA 1: Active Case File Management

1.2.1: Establishing and Maintaining Consolidated Arrest Warrant and License Suspension Indexes

An integrated warrant/suspension index is recommended to assist courts in identifying persons appearing in connection with one case who are also the subject of arrest warrants in other cases. Consolidating arrest warrant and license suspension indexes can make the records easier to check and can help ensure timely clearance of warrants in order to avoid arresting people on previously satisfied warrants. Many of the same principles for keeping track of arrest warrants and license suspensions apply to both automated and manual systems. A card file is appropriate for a manual index system.

Component 22	Phases of File Management Where Used
Consolidated Arrest Warrant/License Suspension Index	Disposition to closing

Standard:

Establishing Tracking Mechanism:

- Consider developing a method for tracking arrest or bench warrants issued by various sections of the court and license suspensions. The tracking system should reflect the appropriate information needed to locate a case file at any stage of its life.
- Include all warrants and orders of arrest issued in that court as well as license suspensions.

Procedures for Warrants:

- When a warrant is issued, record the date issued and the type of warrant on the consolidated warrant/license suspension index.
- File the warrant numerically or alphabetically.
- For misdemeanor and felony cases, identify the case in some way to alert the clerks of the court working with the files that an outstanding warrant exists and must be recalled immediately should the defendant appear. Remove the mechanism for identifying the case once the warrant is no longer outstanding.
- Establish time periods for dismissing or recalling outstanding warrants. Review warrant index twice a year in conjunction with LEIN open warrant lists. For cases exceeding these established time period:
 - 1) where appropriate, prepare a request for dismissal for the prosecutor to complete and submit to the judge; in some cases the prosecutor will extend the review/dismissal date for a specific period of time (or even indefinitely).
 - 2) receive the signed order of dismissal and carry out normal case closing procedures.

Case File Management Standards

1.2.1: Establishing and Maintaining
Consolidated Arrest Warrant and
License Suspension Indexes
(continued)

Component 22	Phases of File Management Where Used
Consolidated Arrest Warrant/License Suspension Index	Maintenance, disposition to closing

- Check the consolidated warrant/license suspension index when a defendant is apprehended or appears on a warrant.
- Inform appropriate court staff of any other outstanding warrants.
- When a warrant is satisfied, notify the appropriate agencies as soon as possible.

Procedures for License Suspensions:

- When a license is suspended, record the date of suspension in the consolidated warrant/license suspension index.
- When an individual comes to the court to pay clearance fees, outstanding tickets, etc., check for any outstanding warrants for that same person.



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Case File Management Standards

AREA 1: Active Case File Management

1.2.2: Maintaining Court Reporters' and Recorders' Notes

Court reporters' notes, particularly stenotype notes, present special records management problems because of the odd size, the volume of space required, the infrequency of transcript preparation, and the lack of good filing equipment for storage. Court reporters' and recorders' notes should be maintained using specific procedures to comply with requirements of the records-retention schedule.

Component 23	Phases of File Management Where Used
Maintaining Court Reporters' and Recorders' Notes	Maintenance, disposition to closing

Standard:

Note-Taking Procedures:

- The court reporter/recorder who takes the testimony on the trial or the hearing of any case shall prefix the record of the testimony of each witness with the full name of the witness and the date and time the testimony was taken. At the conclusion of the trial of the case the reporter/recorder shall secure all of the records and properly designate them on the outside, and shall safely keep them in his/her office. [MCR 8.108(C)]
- Mark on the first page of each day's notes the name of the court reporter, date of proceedings reported in the notes, and "felony" if any felony cases were reported on that day.

Maintenance:

- The clerk shall safely keep the records subject to the direction of the court. [MCR 8.108(D)]
- The records are a part of the record of each case and are subject to inspection in the same manner as other records. [MCR 8.108(D)]
- The court shall retain control over the records relating to any proceedings held in that court including those of court reporters and recorders who are not employed by the court.
- The reporter or recorder shall keep a sufficient index of the testimony and the court shall keep the index and the original notes in accordance with the records retention and disposal schedule.
- Separate daily notes that include felony cases from those that do not.
- For records retention purposes, it is recommended that felony and nonfelony notes be stored separately in filing equipment or storage boxes by court reporter's name.
- Mark the outside of the storage container with the year, type of notes (felony or nonfelony), and name of court reporter.
- Store the notes away from active daily file areas.

Case File Management Standards

1.2.2: Maintaining Court Reporters' and
Recorders' Notes (continued)

Component 23 (continued)	Phases of File Management Where Used
Maintaining Court Reporters' and Recorders' Notes	Maintenance, disposition to closing

Transcript Preparation:

- On order of the court, a transcript shall be made from the notes. *[MCR 8.108(D) and (F), MCL 600.859]*
- If a transcript of a trial or other proceeding in a court of record other than the district court is ordered other than for filing in the case file, the court reporter or recorder also shall prepare and shall file a certified copy of the transcript in the case file at the expense of the person ordering the transcript unless a copy has been filed with the court or unless the chief judge of the court orders otherwise in an order filed in the case file. *[MCL 600.2137(3)]*
- An original and copy of the verbatim record of all preliminary examinations in which the defendant is bound over to the circuit court for further proceedings shall be reduced to writing by the district court recorder or reporter when ordered by the circuit court and upon completion of the verbatim record shall be filed with the clerk of the circuit court, or as directed by the circuit court. An original of the verbatim record of other matters as may be required by supreme court rule shall be reduced to writing by the district court recorder or reporter and upon completion of the verbatim record shall be filed with the clerk of the district court or as directed by the district court. If a transcript of a trial or other proceeding is ordered other than for filing in the case file, the district court recorder or reporter also shall prepare and shall file a certified copy of the transcript in the case file at the expense of the person ordering the transcript unless a copy has been filed with the court, unless the circuit court has a copy pursuant to subsection (1), or unless the chief judge of the district court district orders otherwise in an order filed in the case file. *[MCL 600.8635]*

Transfer:

If the court reporter/recorder dies, resigns, is removed from office, or leaves the state, his/her records in each case must be transferred to the clerk of the court in which the case was tried. *[MCR 8.108(D)]*

Cross References: See Component 11 - Transferring Case Files to Another Court, page 16.



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Case File Management Standards

AREA 1: Active Case File Management

1.2.3: Court Recordings - Audiotapes/ Videotapes

Proper control and care of audiotapes and videotapes is important to ensure that the tapes can be located if needed for transcription and that their quality is maintained.

Component 24	Phases of File Management Where Used
Court Recordings - Audiotapes	Maintenance, disposition to closing

Standard:

Numbering Audiotapes:

Audiotapes should be numbered, each number to have a year-identifying prefix (either two-digit or four-digit), followed by a dash, and then a number of some digits in length.

Storing Audiotapes:

- Audiotapes should be kept in a dry, secure area. Special care should be taken to ensure that storage areas conform to audiotape manufacturer recommendations regarding temperature and moisture exposure.
- Audiotapes used strictly for stenograph backup at the discretion of the court reporter can be stored either by the reporter or by the court, depending on local policy.

Access to Audiotapes:

Recordings created by court reporters and recorders are considered records (see MCR 8.108). There is no court rule or statute which generally restricts public access to audio recordings. Courts should establish a policy that addresses how access to audio recordings and other reporter/recorder records will be provided. If the policy includes a charge for the cost of reproduction of audio recordings, it must be specified in a local administrative order.

Cross References: See also, Area 2 - Filing Systems and Storage. For information about access to court records generally, see Component 19 - Access to Records and Case Folders.

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Case File Management Standards

1.2.3: Court Recordings - Audiotapes/
Videotapes (continued)

Component 25	Phases of File Management Where Used
Court Recordings - Videotapes	Maintenance, disposition to closing

Standard:

Numbering Videotapes:

Videotapes should be numbered, each number to have a year-identifying prefix (either two-digit or four digit), followed by a dash, and then a number of some digits in length.

Index of Proceedings:

The judge shall keep a proper index of proceedings that have been videotaped, including a list of witnesses and exhibits.

Storing Videotapes:

- One videotape shall be retained by the clerk of the court to be forwarded, or for portions to be copied and forwarded, if an appeal is taken and if requested by the Court of Appeals, to the Court of Appeals pursuant to MCR 7.210. *[Mich Sup Ct AO 1990-7]*
- One videotape shall be stored off the court premises in a location to be designated by the chief judge. *[Mich Sup Ct AO 1990-7]*
- It is recommended that a copy of the corresponding logbook page(s) be stored with each videotape inside the tape jacket. This ensures that the log is available when the tape needs to be accessed for playback, duplication, or transcription.
- Special care should be taken to ensure that storage areas conform to videotape manufacturer recommendations regarding temperature and moisture exposure. Accessibility should also be considered. These factors should also be considered in storing new, unrecorded videotapes.
- Videotapes used strictly for stenograph backup at the discretion of the court reporter can be stored either by the reporter or by the court, depending on local policy.

Case File Management Standards

1.2.3: Court Recordings - Audiotapes/
Videotapes (continued)

Component 25 (continued)	Phases of File Management Where Used
Court Recordings - Videotapes	Maintenance, disposition to closing

Procedures for Transcript Request and Preparation:

- It is important to establish clear procedures regarding the transcript request/preparation process including assigning responsibility for capturing accurate request information, retrieving necessary videotapes, and tracking outstanding requests.
- Since attorneys and parties may be able to purchase videotape copies and have transcripts prepared from those copies, it is imperative that the court outline its transcript procedure in writing and mandate that only transcripts prepared through the court's process shall be considered official transcripts of the court.
- Some court official shall be designated to be responsible for ensuring transcripts are filed in a timely manner.

Procedures for Access to Videotape Records:

- The court's policy on access to videotape records of court proceedings should be carefully outlined in the local administrative order required by the SCAO.
- The court should develop a policy and, if necessary, a procedure regarding attorney/party requests to view videotapes.

Cross References: See also, Area 2 - Filing Systems and Storage. For information about access to court records generally, see Component 19 - Access to Records and Case Folders.

(rev. 5/2001)



Michigan Supreme Court
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Case File Management Standards

AREA 1: Active Case File Management

1.3: Post-Disposition Activity

Purpose: Once a court case is disposed, there are a number of activities that could occur in addition to appeals to a higher court. Each possible activity should be identified for each case type. When any of these events occur that require a court hearing, the register of actions is updated and the hearing is scheduled using the calendar.

During this phase, the case files and supporting records, such as register of actions, may move to closed status. Such files may be moved to an inactive storage area because of the reduced need for rapid access and to make room in the active filing system for new records. Records should be organized into group files or considered for inactive microfilming to save space and increase security and accessibility. Some records may have to be kept active for appeal processing or reopened for further actions such as criminal post-conviction relief, garnishment, or other civil judgment execution, support enforcement, or adjustments in domestic relations cases. See Areas 2 and 4 for further standards.

General Case Processing Procedures and Records Created or Used

Procedures/Events	Records Created or Used
Execute case disposition order	Disposed case file
Process appeals	Case file, register of actions
Process motion to reactivate case (see Area 1.2)	Case file, register of actions, calendar
Return/destroy exhibits (see Area 1.1.7)	Exhibit log
Transfer case files from active filing system	Records storage system
Implement records retention schedule (see Area 4)	Records retention schedule



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Case File Management Standards

AREA 1: Active Case File Management

1.3.1: Appeal Processing

Component 26	Phases of File Management Where Used
Appeal Processing	Post-Adjudication

Standard:

General Procedures:

- The record normally consists of the original papers filed in the court, the transcript of any testimony or other proceedings in the case, and the exhibits introduced. See MCR 7.210(A)(1) and (2) and MCR 7.311(A) and below for further details.
- As required by court rule, send the record on appeal. [MCR 7.101(F), MCR 7.210(H), MCR 7.311(A)]
- Transmit original documents by registered or certified mail, return receipt requested, or by courier service.
- Maintain the original case folder, a copy of the register of actions listing the documents transmitted, any postal receipts from registered or certified mailing and, as appropriate, either the order transmitting the record (to circuit court) or a copy of the record production checklist (to Court of Appeals, SCAO Approved form CC 71) .

Motion for Relief From Judgment:

If a motion for relief from judgment is not denied, the court may direct the parties to expand the record by including any additional materials it deems relevant to the record. The expanded record may include letters, affidavits, documents, exhibits, and answers under oath to interrogatories. The court may require the authentication of any item submitted under this rule. [MCR 6.507]

Appeals to the Circuit Court:

The clerk of the court shall ensure that the entries on the register of action are correct and ready for transmittal, ensure that all exhibits have been filed, and ensure that all relevant documents and papers from the court file are ready for transmittal. If the record is ready for transmittal, the court shall sign an order transmitting the record. The trial court may eliminate exhibits from the record. The trial clerk of the court must send the record to the circuit clerk of the court and notify the parties of the transmittal. [MCR 7.101(F)]

Case File Management Standards

1.3.1: Appeal Processing (continued)

Component 26 (continued)	Phases of File Management Where Used
Appeal Processing	Post-Adjudication

Appeals to the Court of Appeals:

The trial clerk of the court or tribunal clerk shall timely send to the Court of Appeals the record on appeal in the case pending on appeal, except for those things omitted by written stipulation of the parties. Weapons, drugs, or money are not to be sent unless the Court of Appeals requests. The trial court or tribunal clerk shall append a certificate identifying the name of the case and the papers with reasonable definiteness and shall include as part of the record the following: a list of register of actions entries in the case; all opinions, findings, and orders of the court or tribunal; and the order or judgment appealed from. Transcripts and all other documents which are part of the record on appeal must be attached in one or more file folders or other suitable hard-surfaced binders showing the name of the trial court or tribunal, the title of the case, and the file number. *[MCR 7.210(G)]* After the Court of Appeals disposes of an appeal, the Court of Appeals will promptly send the original record, together with a certified copy of the opinion, judgment, or order entered by the Court of Appeals to the clerk of the court or tribunal from which it was received. *[MCR 7.210(I)]*

Appeals to the Supreme Court:

When requested by the Supreme Court clerk, the lower clerk of the court shall certify papers on file in that court and send them to the Supreme Court clerk. After final adjudication or other disposition of an appeal, the clerk shall return the original record to the clerk of the lower court or tribunal in which the record was made. *[MCR 7.311(A), (B)]*



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Case File Management Standards

AREA 1: Active Case File Management

1.3.2: Inactive Filing Systems

Component 27	Phases of File Management Where Used
Inactive Filing Systems	Post-Adjudication

Standard:

Once a case is inactive or closed, the case files should be moved from active file space and stored in a safe and secure place. See **Area 2: Filing Systems and Storage** for more detailed standards.



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Case File Management Standards

AREA 1: Active Case File Management

1.3.3: Implementing Records Retention and Disposal Schedule

Component 28	Phases of File Management Where Used
Implementing Records Retention and Disposal Schedule	Post-Adjudication

Standard:

Once a case is inactive or closed, move case files from active file space and store in a safe and secure place. The records retention and disposal schedule is the most important tool available for managing records at this stage. The responsibility for implementing the records retention and disposal schedule is at the local level.

Cross References: See **Area 2.2:** Inactive Records Storage and **Area 4:** File Retention and Destruction for specific and detailed standards.



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Case File Management Standards

AREA 1: Active Case File Management

1.3.4: Micrographics

A court should consider micrographics if the advantages of having a large number of documents in miniaturized form would improve the use of space, provide improved accessibility, or enhance information security.

Component 29	Phases of File Management Where Used
Micrographics	Maintenance, disposition to closing, post-adjudication

Standard:

If micrographics is used, the court should attempt to ensure the quality of micrographical records, including:

- checking to make sure original records were in fact adequately micrographically reproduced.
- periodically checking to make sure micrographic material is of continued quality.
- For security purposes, testamentary documents of deceased persons, bonds, orders, and such other documents as the court directs must be copied by microfilming or other means promptly after filing or issuance and preserved in the records of the court separately from the files. [MCR 8.302]

Cross Reference: See **Area 5: Records Media** for specific standards on micrographics.



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Case File Management Standards

AREA 2: Filing Systems and Storage

2.1: Active Files - Space, Equipment, and Supplies

Component 30	Phases of File Management Where Used
Active Files - Space, Equipment, and Supplies	Case initiation, maintenance, disposition to closing

Standard:

Filing Considerations:

The filing system should be viewed in the context of the four distinct phases of case processing so that the system provides a continuum of activity from initiation to inactive storage to ultimate disposition of the records (kept permanently or destroyed). The filing system will affect the paperflow and workflow in the court; hence, staff, files, and equipment should be located in relation to each other.

- Case Initiation: Once a case jacket or file has been opened, it should contain all case-related documents to facilitate active case monitoring.
- Active Case Monitoring: Administrative control over case processing is essential so that records (including registers of actions, calendars, and case files) can be located quickly when needed. Determine whether the court needs a centralized active file room or decentralized filing scheme with files for each case processing section near the staff working with them. The size and organization of court staff may affect the organization and location of these files.
- Case Disposition to Closing: Case files should be in chronological order for disposition processing. Develop a case closing procedure when appropriate to ensure all essential and required documents are in the file.
- Post-Adjudication: Active case files and supporting records may be moved to inactive status. Such files should be moved to an inactive storage area because of the reduced need for rapid access and to make room in the active filing system for new records. Organize files into groups and consider inactive microfilming to save space and increase security and accessibility. Some records may have to be kept active for further processing, including appeal processing. Records which are reopened for further actions such as criminal post-conviction relief, garnishment or other civil judgment execution, support enforcement, or adjustments in domestic relations cases should be kept in active files.

Case File Management Standards

2.1: Active Files - Space, Equipment,
and Supplies (continued)

Component 30 (continued)	Phases of File Management Where Used
Active Files - Space, Equipment, and Supplies	Case initiation, maintenance, disposition to closing

Assessing Space and Equipment Needs for Active Filing Systems:

There are four basic considerations for filing systems for each type of record: 1) type of record or record series; 2) filing arrangement; 3) filing equipment; and 4) filing supplies. The first step in designing and developing a new filing and records management system is to list the components of the present system. See formula to assess filing space in the **Appendix**.

- **List Components of Present System**
Prepare a chart or list of the present location of files, record series title, span of years, inclusive case numbers and number of case files, status of files, files per inch, volume in cubic feet, equipment quantity and type, and any other pertinent information.
- **Determine Filing Arrangement**
 1. Analyze the information collected to determine how large the active filing and inactive systems need to be for each case type. A general rule is that when 90 to 95 percent of the cases for a given year are no longer active, they should be moved en masse to inactive storage.
 2. For each group of case types, calculate the average number of cases per file inch. From that calculate the number of filing inches needed for active files, allowing some space for growth.
 3. An alternative to keeping case files in one-year numerical blocks is to move them to inactive storage as they become inactive/closed. This requires a cross-reference either on the file shelf, in the index, or on the register of actions so that the appropriate storage box can be located when an inactive file is needed. A few lingering cases should not be used as an excuse to keep large quantities of unneeded inactive records in prime office space.
 4. Case types that have a higher-than-average reopening rate such as domestic relations cases do not need to be kept in the active filing system numerically in whole-year blocks since the reactivated cases can be retrieved individually as needed.
 5. Develop a realistic policy for moving case files to an inactive status to ease office congestion.

Case File Management Standards

2.1: Active Files - Space, Equipment,
and Supplies (continued)

Component 30 (continued)	Phases of File Management Where Used
Active Files - Space, Equipment, and Supplies	Case initiation, maintenance, disposition to closing

- Filing Equipment
 1. Based on the number of filing inches needed for active files, use the conversion chart in the **Appendix** to determine the filing equipment needed. By calculating the number of active files (by filing inches) that probably will be on hand at any given time, the size of the active filing system can be kept fairly constant.
 2. Filing equipment and supplies should comprise no more than 15% to 30% of total system costs. A simple filing system is preferable provided it can efficiently accommodate needs of the present and foreseeable future.
 3. Match filing equipment to court use. Avoid forcing files into outdated or inadequate filing equipment.
 4. For increased compaction, high-quality open-shelving mounted on tracks to form movable aisles may be considered. However, there are tradeoffs in speed of access and higher installation costs so this type of filing should be carefully evaluated before being adopted.
 5. Plan the basic filing equipment design and layout.
 6. Most common types of equipment include: 1) fixed lateral shelving; 2) hanging open-box; 3) movable lateral shelving; 4) drawer filing; 5) transfer boxes; 6) mechanized filing; 7) card files; 8) top or open reference; and 9) microfilm filing.
- Filing Supplies (see also Component 6)
 1. Determine appropriate internal components such as file folders, file guides, file supports, and out-folders.
 2. In selecting a file folder, become familiar with the variety of sturdiness and other features and choose a folder that suits the application and meets the criteria of cost effectiveness and efficiency.
 3. In an open-shelf lateral filing system, the tab should be on the side of the folder. A full side tab is recommended to accommodate color-coded numbers and letters for the case number.
 4. Standard 2" file (or Acco) fasteners help keep papers in their proper chronological order although documents have to be punched or drilled. Two fasteners on the right and left sides of a file folder can be used, but require more care in training which documents should be filed on the right and left sides. Fasteners should be factory applied or of the self-adhesive type.

Case File Management Standards

2.1: Active Files - Space, Equipment,
and Supplies (continued)

Component 30 (continued)	Phases of File Management Where Used
Active Files - Space, Equipment, and Supplies	Case initiation, maintenance, disposition to closing

5. A self-adhesive label is easy to prepare and apply to the front of a file folder. There should be no need to incur the added expense of preprinting any information on a file folder.
6. File guides act as internal signposts in the active filing system. They identify sections to speed up retrieval and refiling. Place them every 50 or so folders or every 6 to 10 inches apart. Choose the right quantity and good quality of file guides.
7. Out-cards or out-folders should be used. The out-card should be made of stiff card stock with preprinted entries for the date, case number, and name of the individual who checked out the file. Out-folders are generally made of durable vinyl with a clear plastic diagonal pocket to place new documents received until the file is returned and a clear plastic pocket which holds a 3" x 5" out-slip containing the date, case number, and name of the individual who checked out the file.
- Color-Coding
 1. Color-coding is used on the file tab to identify the case number (year, number, and case-type code). The banks should line up with each other on an open-shelf lateral file to distinguish between ones, tens, hundreds, and thousands.
 2. Use folders with the color bands affixed by the manufacturer, reserving hand-applied colored tabs for overflow backup folders in voluminous cases.
 3. Vendors have their own color-coding scheme, so chose a vendor that can be relied on for resupply of folders and labels.
- Support Equipment/Filing Accessories
 1. Consider filing accessories such as retractable workshelves, placed every 3 or 4 units apart for laying files on when the files are being updated.
 2. Use of file carts especially designed to move files around can aid in sorting files for delivery or refiling.
 3. Use of sorting devices can aid in the preliminary arrangement of records for filing.

Cross References: See Component 6 - Case File Folder/Jacket. See the **Appendix** for formulas to assess filing space need, for a volume and linear dimension conversion table, and for a guide for equipment evaluation.



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Case File Management Standards

AREA 2: Filing Systems and Storage

2.2: Inactive Records Storage

By definition and design, an active filing system will lead to a continuous movement of records from active to an inactive filing system or records storage area. Records move much slower in an inactive records storage area than in an active filing system, but records are being added, individual records continue to be accessed periodically, and material must be moved out for destruction or transfer to another location such as an archive or microfilm center. The purpose of inactive records storage is simply to move inactive/closed case files from prime space to lower-cost space where records may be more densely packed and are accessed with decreasing frequency as they become older. An inactive system is easier to expand as the need arises than an active filing system. The records retention and disposal schedule is the primary tool used to manage accumulations of records. It identifies records that can be destroyed and those that should be retained. With information about active files and retention periods for inactive records, the general amount of storage space needed over a fairly long period can be determined.

Component 31	Phases of File Management Where Used
Inactive Records Storage	Post-Adjudication

Standard:

Assessing Amount of Inactive Records:

- Determine what and how many inactive records are on hand.
- Use the same type of inventory or survey used for the active filing system to plan and design an accessible and workable inactive records storage system.

Options for Records Storage:

Three main options for long-term inactive records storage should be considered: 1) in-house, court-controlled inactive storage; 2) records center run by the city, county, or state; 3) commercial records storage facility.

Records Storage Facilities:

- Make the greatest possible use of the space (width, depth, and height).
- Provide for reasonable access (aisle width) to stored records.
- Provide for adequate lighting. Aisle ways should be lighted for safety and aid in working conditions. Consider zoned lighting to conserve energy. Install more light in office and research areas.
- Provide for security and protection of stored records against fire, water, environment, pests and vermin, vandalism, theft, and loss.

Case File Management Standards

2.2: Inactive Records Storage
(continued)

Component 31 (continued)	Phases of File Management Where Used
Inactive Records Storage	Post-Adjudication

- Consider including space for researchers to review records, an office for staff, and a work area for processing records or for microfilm preparation.

Safety and Environmental Considerations:

- **Fire Damage**
 1. Institute prevention policies including cleanliness, electrical system maintenance, and a prohibition on smoking.
 2. Stress early detection by installing smoke alarms.
 3. Consider installing fire alarms, fire extinguishers, and a sprinkler system (250 - 286 degrees Fahrenheit rating; independently activated heads).
- **Water Damage**
 1. Eliminate/avoid overhead pipes.
 2. Ensure that the bottom of the lowest shelf is at least 4" off the floor.
- **Environmental Damage**
 1. Maintain the optimal temperature range (65 - 75 degrees Fahrenheit).
 2. Maintain the optimal humidity range (50% - 60%).
- **Preventing Pest and Vermin Damage**
 1. Call the exterminator as soon as signs appear.
 2. Take preventive action to prevent a recurrence.
- **Preventing Vandalism, Theft, and Loss**
 1. Establish and enforce an access control policy.
 2. Install a special security cage for confidential and sensitive records.

Inactive Records Storage Equipment:

- Steel frame warehouse-type shelving is recommended.
- Shelves may be plywood or 5/8" particle board.
- For lateral side-tabbed files, a front-opening box is recommended.
- Stack boxes two high on each shelf and two deep for increased density.
- Select shelving strong enough for full records boxes that weigh 30 to 50 pounds each
- Design system so shelving uses most of the vertical space within a room not to exceed 12-14 feet).
- Have on hand a good quality step-ladder on wheels that lock down when the ladder is mounted.

Case File Management Standards

2.2: Inactive Records Storage
(continued)

Component 31 (continued)	Phases of File Management Where Used
Inactive Records Storage	Post-Adjudication

Records Storage Area Supplies:

- For bound books and odd-sized material, determine special equipment configurations and box sizes.
- Use standard top-opening, one-cubic-foot records storage boxes. Legal-size files can be placed in the box lengthwise and letter-size breadthwise.
- Avoid 2 ½ cubic-foot storage boxes and drawer-type transfer boxes since they can cost three or four times as much as a standard box and weigh 80 to 90 pounds when full.
- If appropriate, consider movable shelving for greater compaction. Costs are substantially higher than a basic warehouse shelving and storage box system.

Managing Inactive Records Storage Area:

A procedures manual should be developed to ensure orderly and efficient operation of inactive storage and to state policies concerning access to and control of the records. Other operational considerations are listed below:

- Space Numbering System
Use space numbering system to indicate location of each box within the facility and as a cross-reference in the facility index. Two methods of numbering are by row-space number and via sequential zigzag (used in smaller facilities). In row-space numbering, each aisle is given a sequential number and each row is evenly subdivided into spaces. In sequential zigzag numbering, neither the aisles or rows are numbered.
- Indexing
Existing alphabetic indexes can be used to determine a particular case number. However, a special index should be maintained to determine the status and location of each inactive file since they may be reactivated and returned to active records areas, transferred to archives, or destroyed. The simplest method is a transfer list consisting of the case number, location, and status of each record. The register of actions may be used as a transfer list by simply adding the appropriate information.
- Initial Storage
 1. Pack records for inactive storage when they are still in active storage rooms.
 2. Clearly label the box on the end facing the aisle with case numbers included and any exceptions.

Case File Management Standards

2.2: Inactive Records Storage
(continued)

Component 31 (continued)	Phases of File Management Where Used
Inactive Records Storage	Post-Adjudication

3. Assign boxes the appropriate sequential box number.
4. Note the box number and records series information to the transfer list.
5. Note the storage space to be occupied on the box and the transfer list.
6. Maintain one copy of the transfer list in the clerk's office and another in the storage area.
7. Note any further transfers (to remote storage or archives) on the court transfer list.
- Access Retrieval and Charge-Out Procedure
 1. Limit access to authorized court records personnel.
 2. Have persons desiring records located in a storage area fill out a request form.
 3. Periodically prepare statistics regarding access to the records from the request forms to determine which records are no longer needed locally and can be transferred to a more remote storage area.
 4. Use a charge-out card listing the borrower and record title. Place in the box in place of the removed record. A multipart form can be used, one part being attached to the charge-out card, the second part given to the borrower, and the third part placed in a tickler file for followup. Require the borrower to sign for the borrowed record.
 5. Do not allow the case file to leave the clerk's office or courthouse facilities.
 6. Provide adequate reproduction equipment to produce document copies when required.
- Refiles and Interfiles
 1. After use, return inactive case files to their proper location in batches.
 2. Interfiling consists of adding documents to the existing records. Keep interfiling to a minimum for inactive records since storage space must be provided to allow the files to expand.
- Reactivated Cases
 1. When an inactive case is reactivated, retrieve folder and refile in the active filing system.
 2. Use charge-out card to note status and location of the reactivated file. Keep the space open in inactive storage that was previously occupied by the file.
 3. When the file is returned to inactive storage, replace in the proper filing order.
- Disposal of Record

Dispose of or remove records in a court-operated inactive records facility on a regular basis according to the requirements of the records retention and disposal schedule. See **Area 4** for details. Secure written authorization for destruction. Update transfer list or other index as records are disposed or transferred.



Michigan Supreme Court
State Court Administrative Office

Case File Management Standards

AREA 3: Forms and Reports

3.1: Management

In order to improve forms and reports design, stem the proliferation of forms, and control costs, a forms and reports management program is helpful. The State Court Administrative Office has a statewide forms program which focuses primarily on the analysis and design stages of forms management. The result is the development of standardized court forms and reports for statewide use. [MCR 8.103(5), (9)]

Trial courts who develop their own forms should consider operating a forms management program which focuses on the following three aspects of forms: 1) management which is the overall control and procurement of forms; 2) analysis of information needs in order to design the most effective form for each specific application; and 3) forms design which is the art of devising a form to efficiently service a given function or systems need. Courts who use the SCAO Approved forms, should still consider a forms management program to help in overall control and procurement of forms.

Component 32	Phases of File Management Where Used
Forms and Reports Management	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Organizing Court Forms:

Organize court forms by type and case processing phase. The major types of forms are: 1) internal administrative forms; 2) forms prepared and issued by the court; 3) court forms furnished to attorneys and other agencies; 4) court forms furnished to the public; 5) other agency forms used by the court. The processing phases are: 1) case initiation; 2) monitoring active cases; 3) disposition to closing; and 4) post-adjudication. See below for further information about the types of forms and processing phases.

Cataloging and Indexing Forms:

Except for the SCAO Approved forms, assign a title and number to each form. Index the forms by form number and title. Include a revision date.

Establishing Policies and Procedures for Managing Forms:

Establish policies and procedures for: 1) maintaining files on SCAO approved forms and internally developed forms including indexing and inventory records; 2) purchasing forms; 3) monitoring the usage of forms; and 4) periodic review of each form for needed changes or possible improvements.

Case File Management Standards

3.1: Management (continued)

Component 32 (continued)	Phases of File Management Where Used
Forms and Reports Management	Case initiation, maintenance, disposition to closing, post-adjudication

Internal Administrative Forms:

The following are examples of internal administrative forms.

- The forms used in case initiation include the register of actions, indexes, calendar, scheduling worksheet, receipts, journal, bond.
- The forms used in monitoring active cases include the calendar, exhibit log, bench warrant, receipts, and journal.

Forms Prepared and Issued by the Court:

The following are examples of internally prepared and issued court forms.

- The forms used in case initiation include the judges assignment and receipts.
- The forms used in monitoring active cases include the subpoena, notice to appear, summons, bench warrant, and orders or writs.

Court Forms Furnished to Attorneys and Other Agencies:

The following are examples of forms furnished to attorneys and other agencies.

- The forms used in case initiation include the petition or complaint.
- The forms used in monitoring active cases include the subpoena or notice to appear.
- The forms used in post-adjudication include garnishment, execution, and claim of appeal and other related forms.

Court Forms Furnished to the Public:

The following are examples of forms furnished to the public.

- The forms used in case initiation include the small claims affidavit; pro se forms, and other complaints and petitions.
- The forms used in monitoring active cases include the subpoena, notice to appear, notice of hearing and any other pro se forms the public needs to process a case.
- The forms used in disposition/closing include judgments and other orders the public needs for the case.
- The forms used in post-adjudication include garnishment, execution, and claim of appeal and other related forms.

Case File Management Standards

3.1: Management (continued)

Component 32 (continued)	Phases of File Management Where Used
Forms and Reports Management	Case initiation, maintenance, disposition to closing, post-adjudication

Requirement to Provide Forms:

Pursuant to court rule or statute, the courts are required to provide the following forms upon request:

- Forms for small claims proceedings [*MCL 600.8403, MCR 4.302(A)*]
- Forms for landlord-tenant, land contract proceedings [*MCR 4.201*]
- Pro se forms for child support, parenting time, and custody proceedings [*MCL 552.519(3)(k)*]

Pursuant to court rule or statute, the courts are required to provide the following forms **free of charge** upon request of a pro se litigant or indigent defendant:

- Pro se forms for personal protection proceedings [*MCL 600.2950, MCL 600.2950a*]
- Motion for post appeal relief [*MCR 6.502(D)*]

Where a court rule or statute does not already require it, the chief judge may, by administrative order, direct the clerk of the court to provide litigants and attorneys with copies of forms approved by the State Court Administrator. In addition, except when a court rule or statute specifies that the court or clerk of the court must provide certain forms without charge, the administrative order may allow the clerk to provide the forms at a cost of reproduction to the clerk. [*MCR 8.110(C)(7)*] Language regarding provision of forms and charging for the cost of reproduction has been included in Model LAO 8 which has to do with public access to court records.

Mandating Use of Forms:

Unless specifically required by statute or court rule, the court may not mandate the use of a specific form, whether SCAO Approved or locally developed.

Cross References: For more information about the State Court Administrative Office forms management program, see Section 8-06 of the Michigan Court Administration Reference Guide.



Michigan Supreme Court
State Court Administrative Office

Case File Management Standards

AREA 3: Forms and Reports

3.2: Analysis and Design

Forms analysis and design are important tools in developing accurate, effective, and efficient forms. While most courts do not employ staff specifically to analyze and design forms, there are some standard specifications and design criteria which can aid in the process. In 1984, the Circuit, District, Juvenile, and Probate Court Forms Committees adopted the State Court Administrative Office standard specifications and design criteria for developing SCAO Approved forms. These specifications may be helpful when developing local court forms.

Component 33	Phases of File Management Where Used
Forms Analysis and Design	Not applicable

Standard:

Analysis:

- Develop forms design questions and a checklist to ensure that answers determine the need for a form, how and why the form is used, and possibilities for standardizing the form or combining it with other forms. Questions which should be asked are:
 1. What is the title and form number?
 2. What is the form used for?
 3. Where and by whom is the form prepared (at the counter, in the office, by the public, by court staff, in court, outside the court, etc)?
 4. How is the form prepared (handwritten, typed, word processor, computer printer)?
 5. Physical description of the form (size, color, paper weight)?
 6. How much will the form be handled (a lot, some, seldom)?
 7. Can questions on the form use multiple choice (yes, no)?
 8. What other recurring fill-in data can be pre-printed (e.g. defendant instead of a space for a name)?
 9. Are there any items asked for on the form that can be eliminated?
 10. Estimated annual usage.
 11. Copies normally prepared at one time (1, 2, 3, 4, other).
 12. Normal distribution (court file, plaintiff, defendant, other)
 13. Form should be designed for a single sheet, 2-part, 3-part, 4-part, pad, other.
 14. Other forms containing common information to be considered for combining with this form.

Case File Management Standards

3.2: Analysis and Design (continued)

Component 33 (continued)	Phases of File Management Where Used
Forms Analysis and Design	Not applicable

15. Should the use of rubber stamps and courts seals be considered for this form (yes, no)? If yes, what?

16. Other questions and considerations: What is the best sequence or grouping of items for each for entering and extracting information? What is the approximate amount of information to be placed in each entry space? If forms are combined for one writing, will certain data be required on undercopies or will different data be added once separated (i.e, register of actions and index cards)?

Technical Design Criteria:

The traditional legal style of forms design uses a “fill-in-the-sentence” type of construction that attempts to combine both static and variable information so that once completed, the form reads in continuous sentences. For many forms, this is the most practical design. However, this traditional design requires 40 to 60 percent more time to prepare than a modern form. If some blanks are not applicable, it becomes cumbersome and confusing for the preparer and reader. These forms often unnecessarily repeat information such as a defendant’s name several times.

Where practical, the use of modern forms design techniques can improve management and clerical efficiency. A feature of modern forms design is the separation of preprinted and variable (fill-in) information. Properly designed forms are simple and largely self-instructional. Variable (fill-in) information is inserted using a box design. Spaces should conform to the amount of information to be inserted.

Forms design standards promote efficiency, save money, and increase professionalism. Standards should assure that all forms produced by a court are consistent in the following respects:

- Paper size: Most forms should be printed on letter size (8 ½ x 11) paper. Exceptions are citations, index cards, etc. [MCR 1.109]
- Form numbering: A workable system should be developed to assign numbers to forms. The form number along with the date designed or revised should appear on all forms in the same location (i.e. lower left corner).
- Form titles should appear on the top of each form and should indicate the form’s purpose.

Case File Management Standards

3.2: Analysis and Design (continued)

Component 33 (continued)	Phases of File Management Where Used
Forms Analysis and Design	Not applicable

- The space for case number should appear in the same location on all forms, usually the upper right corner.
- Vertical spacing on the form should correspond to typewriter spacing (i.e., 6 lines per inch) and double space as much as possible. If the form is prepared on a computer only, typewriter spacing is not as important. If the form will be filled out by hand, it is helpful to design triple spacing.
- Multipart forms should be considered when the distribution is known (i.e., a three-part form for court file, plaintiff, and defendant). Distribution information for multipart forms should be clearly printed on each part of the form.

Substantive Design Criteria:

Clearly delineate the sections of a form to assist in the design process.

- Plain English should be used in court forms. Latin, foreign terms, and legal terminology should be avoided or limited.
- The title and description of the form are at the top where users look first.
- The body of the form contains all of the factual information, which should be grouped for a logical flow. In most court forms, the case title or party names are usually near or at the top on a form.
- Fields requesting social security number or driver license number should not be included with the case title or party names when the form is designed for use in a window envelope. Under MCL 37.252 a state agency or a local governmental unit shall not deliver or cause to be delivered an envelope or package on the outside of which personal information is placed or on the inside of which personal information is placed that is visible from the outside of the envelope or package. Personal information includes social security number and the driver license number (or state identification number if no driver license number). A state agency includes the judicial branch.
- The termination or closing is the last of the three basic parts of the form and is usually for signature and approvals.
- Forms should be designed to be self-explanatory where possible. When extra instructions are necessary, the reverse side or a separate cover sheet should be included.
- When appropriate, use a declaration when a jurat is not specifically required by statute or court rule. [MCR 2.114 and MCR 5.114]

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Case File Management Standards

3.2: Analysis and Design (continued)

Component 33 (continued)	Phases of File Management Where Used
Forms Analysis and Design	Not applicable

- Comply with statutes and court rules.

Specifications for Printing Forms:

- Generally court forms that have moderate to high usage should be professionally typeset and printed. Typesetting can employ several very useful forms design techniques such as variable line widths, type sizes, shading, and other special techniques. Overuse of special techniques diminishes their effectiveness.
- Printing of forms produces better copies and does not distort typewriter spacing as do many photocopy machines. Photocopying is also usually more expensive for quantities of forms. Printing of a multi-part form using carbon interleaf or NCR paper is also more economical than printing single sheet forms and photocopying the additional copies needed.
- Consider designing forms such as notices so they can be mailed in window envelopes.

Computer Forms:

- Computer forms require careful design so that input and output forms complement the speed and efficiency computers are intended to promote.
- Input forms should be designed to allow the person entering data to focus on the relevant items of information in a logical sequence consistent with a data entry screen. All information on a form is not normally entered, so use highlight techniques for input forms.
- When using impact printers, preprinted forms are useful for computer output since the selection of type styles and sizes will amplify the variable data printed by the computer printer.
- When using laser printers, consider designing the static information with one type style and programming the input (variable) information with another type style to amplify the variable data.

Cross References: For more information about the State Court Administrative Office standard specifications and design criteria, see Section 8-06 of the Michigan Court Administration Reference Guide.

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Case File Management Standards

AREA 4: File Retention and Destruction

4.1: File Contents Retained and Destroyed

The records retention schedule outlines various court records, including case files. For most case files, the register of actions must be kept permanently. Elimination of the remaining contents of case files is specified by the schedule, except that elimination of discovery materials in civil cases is regulated by MCR 2.316.

Component 34	Phases of File Management Where Used
File Contents Retained and Destroyed	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

- Any item placed in a case file (except the Register of Actions) becomes part of that case file and must be maintained for the full length specified in the retention and disposal schedule, except that discovery materials may be removed and destroyed from files in accordance with MCR 2.316.
- Items not placed in a case file because of size limitations (such as transcripts) but which are considered part of the case file must be maintained for the full length specified in the retention and disposal schedule except for discovery materials removed and destroyed in accordance with MCR 2.316. See Appendix for copy of SCAO Approved form, MC 29, Notice of Intent to Destroy Discovery Materials.
- Items not placed in a case file which may be related to the case file such as duplicate copies, envelopes, correspondence, or handwritten notes are not considered part of the case file and may be destroyed in accordance with the retention and disposal schedule.
- The register of actions is not considered part of the case file. It is a court record related to the case file. If the register of actions is made a part of the case file or is pre-printed on the folder jacket, it must be separated from the file contents and maintained permanently in accordance with the retention and disposal schedule.

Cross Reference: For more details, see the Record Retention and Disposal Schedule in the **Appendix** and information in **Area 4.2**. See also Component 9 - Minimum File Contents.

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State Court Administrative Office

Case File Management Standards

AREA 4: File Retention and Destruction

4.2: Retention and Disposal Schedules

Component 35	Phases of File Management Where Used
Retention and Disposal Schedules	Case initiation, maintenance, disposition to closing, post-adjudication

Records retention and disposal schedules are the most important and powerful tool available for the basic management of terminated records. These schedules are an approved plan defining which terminated records can be destroyed and when, and which records must be kept permanently. Most of the retention periods are mandated either by statute or court rule. Other retention periods are determined through the recommendations of advisory committees of trial court representatives.

Development and maintenance of a trial court records retention and disposal schedule is the responsibility of the State Court Administrative Office in conjunction with the State Administrative Board, Michigan Historical Commission, Treasury Department, and Attorney General.

The responsibility for implementing the records retention and disposal schedule is at the local level. Regular use of records retention schedules is the responsibility of the trial courts and is key to maintaining control over records storage. See the **Appendix** for a copy of the Records Retention and Disposal Schedule for Michigan Trial Courts.



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State Court Administrative Office

Case File Management Standards

AREA 4: File Retention and Destruction

4.3: Destruction of Files

Since the records retention and disposal schedule is preapproved, destruction can take place in the normal course of business without the need for separate approvals each time a court wants to destroy a group of records. However, the court must give the Michigan Historical Center - State Archives an opportunity to request certain records before they are destroyed.

Component 36	Phases of File Management Where Used
Destruction of Files	Post-Adjudication

Standard:

Phase 1: Identifying Records for Destruction

- At a minimum, the clerk of the courts should conduct an annual review of records against the appropriate record retention and destruction schedule.
- Sixty to ninety days before destroying records, conduct a staff meeting to select a project leader who will be responsible for responding to questions and assuring consistency in the records destruction effort.
- Sixty days or more prior to the date of the destruction effort, identify inactive records to be destroyed. Refer to the Records Retention and Disposal Schedule to identify those records that exceed the minimum retention period. Include only those boxes, file drawers, containers, etc. in which the entire contents can be destroyed.
- List cases exceeding the minimum retention period on the Certificate of Records Disposal (form MH-38). Provide the item number (record type), inclusive dates, and approximate volume using a Linear Dimension Conversion Table.
- Mark remaining inactive records with the year that they are eligible for destruction.
- After listing the cases to be destroyed, send the Certificate of Records Disposal (form MH-38) to the Michigan Historical Center - State Archives. See **Appendix** for copy of form MH-38. Courts must also send a copy of the form to the Local Audit Division so that the Treasury Department can determine if an audit is needed before destruction of records. Give both agencies 30 days to respond.

Phase 2: Staffing and Other Requirements for Destroying Records

- Thirty to sixty days before destroying records, determine the staffing requirements for the project.

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Case File Management Standards

4.3: Destruction of Files (continued)

Component 36 (continued)	Phases of File Management Where Used
Destruction of Files	Post-adjudication

- Determine whether the court be must closed during the file destruction effort in consultation with the chief judge or regional administrator. If so, prepare an appropriate notice of closing through administrative order. Provide notice to regional administrator, local bar association, and local media and post notice at all court locations. See **Appendix** for sample notice
- Prepare work site. Identify and secure a work area to be used during the disposal process. Arrange for equipment such as hand cars for moving file boxes, additional staff (such as maintenance or jail trustees), storage for paper and files during the destruction effort, personnel to destroy the records, and the method of destruction.
- Schedule and make any needed alterations to current storage areas while they are empty.

Note: An area of 300 cubic feet of records will required approximately three to five days to complete the disposal process depending on staff allocations, use of trustees or community service workers, and other similar factors.

Phase 3: Destruction Effort

- Establish work stations according to case type and divide case types according to the appropriate record retention and destruction schedule.
- Arranged staff into work teams making sure that clerks who are familiar with each case type are assigned to the team.
- Show what papers are to be saved and how the disposal process is to be accomplished.
- Separate materials that must be retained from those to be destroyed.
- If the register of actions is a part of the file jacket, make sure the case file number is entered on the jacket before separating. The final judgment/order should also be retained.
- Retain permanent records in file storage boxes marked with the case type and file numbers contained. For example, Criminal 8700001-8700100. If open shelving is used, the retained records may be returned to shelving units.
- Records not eligible for destruction during this effort should be marked with the year that they are eligible for destruction.
- Courts should conduct a record destruction effort in conjunction with an annual pending case inventory.
- If records have been microfilmed, the microfilm should be checked for quality of image and accuracy before the records are destroyed.

Case File Management Standards

4.3: Destruction of Files (continued)

Component 36 (continued)	Phases of File Management Where Used
Destruction of Files	Post-adjudication

Phase 4: Cleanup

- After the destruction effort is completed, make arrangements to have the work areas straightened up.
- Return any borrowed equipment.
- If any materials had to be temporarily stored before destruction, check to make sure they are removed and destroyed.
- If there are records listed on the Certificate of Records Disposal (form MH-38) which are not included in the destruction effort due to lack of time or a decision to focus on other records, a plan should be implemented to dispose of the remaining records after the main activity.

Accepted Methods of Disposal

The accepted methods for disposing of records that have been identified for destruction pursuant to the record retention and disposal schedule are shredding, burning, pulverization, and trash compaction. Whatever method of disposal is utilized, court personnel should ensure and certify that disposal is done in a satisfactory and complete manner. At the discretion of the Michigan Historical Center - State Archives, records may also be transferred to State Archives.

Cross Reference: See **Appendix** for copy of Records Retention and Disposal Schedule for Michigan Trial Courts. See Section 8-04 of the Michigan Court Administration Reference Guide for a list of off-site record storage facilities and companies that provide shredding services.



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Case File Management Standards

AREA 5: Records Media

5.1: Micrographics

Micrographics is the reproduction of images in a variety of ways using various media. Microfilm is but one medium. Other media are microfiche, optical disk imaging, digitized imaging, etc. If micrographics is used, applications should be integrated into the activities of the court system pertaining to the receipt, processing, distribution, and storage of documents.

Component 37	Phases of File Management Where Used
Micrographics	Case initiation, maintenance, disposition to closing, post-adjudication

Standard:

Considerations:

- Requirements of a micrographics system should take into account the length of time records must be kept in accordance with the records retention and disposal schedule and the costs and benefits of present procedures compared to a micrographics applications. Costs components include: 1) equipment such as purchase or rental, work stations, maintenance, etc.; 2) supplies; 3) personnel costs; 4) facility costs; and 5) service bureau costs to compare against in-house micrographics operations.
- Records most suited to micrographics are those that must be kept permanently and those required to be microfilmed by statute or court rule (generally for security purposes). Records kept well over 10 years that pose accessing and spacing problems should also be considered for micrographics.
- The use of micrographics for active files should be justified by the requirements of operations. Once cases are disposed, the paper case files should be destroyed or removed to a lowcost remote storage. If this criteria does not exist, it is best to use micrographics after case closing.
- The use of micrographics for inactive records should be justified by the requirements of the records retention and disposal schedule and need for access. Avoid filming, imaging, or otherwise reproducing every document in a case file unless essential. Oftentimes, the register of actions, pertinent pleadings or other papers, and dispositive documents are all that need to be reproduced.

Case File Management Standards

5.1: Micrographics (continued)

Component 37 (continued)	Phases of File Management Where Used
Micrographics	Case initiation, maintenance, disposition to closing, post-adjudication

Procedures and Technical Requirements:

- Develop guidelines for a micrographics program, including procedures regarding: 1) document preparation; 2) reproduction/imaging/filming; 3) processing and developing; 4) inspection and quality-control for determining and monitoring quality; 5) duplication of original film, disk, etc.; 6) storage of film, disk, etc.; and 7) destruction of originals.
- Trial courts should observe the microfilm standards of the Michigan Historical Center of the Department of State; see the Microfilm Handbook: Michigan Local Government (1980) and State Archives Guide for Creating Microfilm to Store Public Records (in draft form, 1999).
- Trial courts should refer to the Michigan Historical Center's Optical Imaging System Rules (1998). [MCL 24.402]

Cross References: See Section 8-04 of the Michigan Court Administration Reference Guide for information on microfilm resources.



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Case File Management Standards

AREA 5: Records Media

5.2: Facsimile and Other Forms of Transmission

Component 38	Phases of File Management Where Used
Facsimile and Other Forms of Transmission	Case initiation, maintenance, disposition to closing, post-adjudication

Standard: [Michigan Supreme Court AO 1994-2]

Authorization:

- A court must obtain authorization from the State Court Administrative Office to use facsimile communication equipment for the transmission and filing of court documents. Participating courts shall cooperate with the SCAO and provide information regarding the use of facsimile equipment for the filing and transmission of court documents.
- A court shall establish a local court rule regulating the use of facsimile communication equipment. [MCR 8.112(A)]

Documents Permitted to be Filed/Issued via Facsimile or Other Forms of Transmission:

- Courts may permit the filing of 8 ½" x 11" pleadings, motions, affidavits, opinions, orders, or other documents by the use of facsimile (FAX) communication equipment.
- Warrants may be issued by facsimile communication equipment and voice communication equipment in accordance with statute. [MCL 780.651, *People v Snyder*, 181 Mich App 768 (1989), *People v Paul*, 203 Mich App 55 (1993)]
- Some Uniform Law Citations may be issued by electronic means. [MCR 4.101(A)(1), MCR 8.125]

Paper Quality:

Documents intended to be filed in any court shall be on paper not subject to more rapid deterioration than ordinary typewritten material on ordinary paper.

Image Quality:

It is essential that a document remain legible, especially after successive transmissions. Repeated transmission of a document by facsimile, such as a search warrant, may decrease the image quality.

Case File Management Standards

5.2: Facsimile and Other Forms of
Transmission (continued)

Component 38 (continued)	Phases of File Management Where Used
Facsimile and Other Forms of Transmission	Case initiation, maintenance, disposition to closing, post-adjudication

Signature:

The signature required under MCR 2.114 includes a signature transmitted by facsimile communication equipment.

Special Criteria for Issuing Search Warrant by Electronic Device:

- Upon receiving an affidavit and proposed warrant by facsimile, the judge (or the magistrate, when appropriate) must sign and date the affidavit and search warrant upon receipt and transmit the signed warrant to the affiant.
- The clerk of the court shall file the return on the warrant after execution of the search.

General Criteria for Filing by Facsimile:

- A clerk shall not permit the filing of any document for which a filing fee is required unless the full amount of the filing fee is paid or deposited in advance with the clerk.
- Documents intended to be filed in any court shall be on paper not subject to more rapid deterioration than ordinary typewritten material on ordinary paper.
- The local court rule regulating the use of facsimile communication equipment shall provide the following:
 1. a reasonable fee, in addition to statutory filing fees, charged by the clerk, which takes into account the cost of equipment, paper, supplies, and telephone line charges.
 2. a maximum number of pages which may be sent at one time for any document or documents.
 3. the hours during which documents may be received.
 4. other reasonable requirements to promote the efficient filing of facsimile documents.
 5. the method of giving notice to attorneys and litigants of any facsimile filing requirements.



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Case File Management Standards

AREA 6: Other

6.1: Case Type Codes

Component 39	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

(A) **Circuit Court Case Type Code List.** The following case type code list must be used in circuit court as provided in Component 1. The bracketed letters are the case type codes.

(1) *Appeals*

- (a) Agencies [AA]. All matters from administrative agencies other than the Michigan Employment Security Commission and the Michigan Secretary of State.
- (b) Employment Security Commission [AE]. All matters regarding Michigan Employment Security Commission actions.
- (c) Parole Board Decisions [AP]. Appeals in parole board decisions.
- (d) Criminal Appeals [AR]. All criminal appeals from a lower court when filed in a higher court.
- (e) Civil Appeals [AV]. All civil appeals from a lower court when filed in a higher court.

(2) *Administrative Review, Superintending Control, Extraordinary Writs*

- (a) Habeas Corpus [AH]. All writs of habeas corpus except habeas corpus to obtain custody of a child.
- (b) Licensing and Vehicles [AL]. All matters regarding Secretary of State actions.
- (c) Superintending Control [AS]. All matters involving superintending control or supervisory control powers of the court.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (d) Writs [AW]. All actions for mandamus and quo warranto and other writs.
- (e) Other Extraordinary Law Remedies [AZ]. All other extraordinary law remedies.
- (3) *Criminal*
 - (a) Extradition/Detainer [AX]. All extradition and detainer matters initiated by Michigan to other states.
 - (b) Capital Felonies [FC]. Capital felony cases, in which life sentence is possible and a larger number of peremptory jury challenges is provided.
 - (c) Noncapital Felonies [FH].
 - (d) Juvenile Felonies [FJ]. Juvenile offenses committed by juveniles and waived to the criminal division of the circuit court under MCR 5.950. Includes life offenses committed by juveniles in which the prosecuting attorney has authorized the filing of a criminal complaint and warrant under MCR 6.907 instead of proceeding in the family division of the circuit court.
- (4) *Civil Damage Suits*
 - (a) Property Damage, Auto Negligence [ND]. All complaints of property damage but not personal injury involving the use of a motor vehicle.
 - (b) No-Fault Automobile Insurance [NF]. All claims for first-party personal protection benefits and first-party property protection benefits under the no-fault automobile insurance act.
 - (c) Medical Malpractice [NH]. All claims involving health care provider malpractice.

Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (d) Personal Injury, Auto Negligence [NI]. All complaints of personal injury, or personal injury and property damage, involving the use of a motor vehicle.
 - (e) Other Professional Malpractice [NM]. All claims involving professional malpractice other than health care provider malpractice.
 - (f) Other Personal Injury [NO]. All other claims involving liability for personal injury not otherwise coded.
 - (g) Products Liability [NP]. All claims involving products liability.
 - (h) Dramshop Act [NS]. All claims involving liability under the dramshop act.
 - (i) Other Damage Suits [NZ]. All claims involving liability for personal injury.
- (5) *Other Civil Matters*
- (a) Business Claims [CB]. All claims involving partnership termination and other business accountings.
 - (b) Condemnation [CC]. All condemnation proceedings.
 - (c) Employment Discrimination [CD]. All complaints of employment discrimination.
 - (d) Environment [CE]. All environmental matters such as zoning, pollution, etc.
 - (e) Forfeiture Claims [CF]. All claims of interest in property seized under the Controlled Substance Act which may be subject to forfeiture.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (f) Housing and Real Estate [CH]. All housing, real estate, foreclosure, land contracts, and other property proceedings (except landlord-tenant and land contract summary proceedings).
- (g) Contracts [CK]. All proceedings involving contractual obligations not otherwise coded.
- (h) Labor Relations [CL]. All labor-management matters except employment discrimination.
- (i) Antitrust, Franchising, and Trade Regulation [CP]. All complaints regarding unlawful trade practices including but not limited to pricing and advertising of consumer items, regulation of watercraft, restraint of trade and monopolies, Consumer Protection Act, Farm and Utility Equipment Franchise Act, franchise investment law, motor vehicle dealer agreements, and the Motor Fuel Distribution Act.
- (j) Corporate Receivership [CR]. All corporate receivership proceedings.
- (k) General Civil [CZ]. All other civil actions not otherwise coded.
- (l) Proceedings to Restore, Establish, or Correct Records [PC]. All proceedings to restore, establish or correct records which are assigned a new case number (not brought under an existing case).
- (m) Claim and Delivery [PD]. All complaints to recover personal property which are assigned a new case number (not brought under an existing case).
- (n) Receivers in Supplemental Proceedings [PR]. All proceedings appointing a receiver which are assigned a new case number (not brought under an existing case).

Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (o) Supplemental Proceedings [PS]. All supplemental proceedings which are assigned a new case number (not brought under an existing case).
- (p) Miscellaneous Proceedings [PZ]. All other matters assigned a new case number (not brought under an existing case), including the following matters: grand jury and multi-county grand jury.

(6) *Family Division - Domestic Relations*

- (a) Custody [DC]. All habeas corpus to obtain custody of a child; order to show cause for custody of a child; other custody, or custody and support proceedings when no divorce action has been filed; or actions under the Uniform Child Custody Jurisdiction Enforcement Act.
- (b) Interstate Filing [DF]. All support matters submitted for filing only under the Uniform Reciprocal Enforcement of Support Act and the Interstate Income Withholding Act.
- (c) Outgoing Support Enforcement Proceedings [DI]. All support enforcement proceedings outgoing to another state under the Uniform Reciprocal Enforcement of Support Act.
- (d) Divorce, Minor Children [DM]. All complaints for divorce, separate maintenance, or annulment when minor children are involved.
- (e) Divorce, No Children [DO]. All complaints for divorce, separate maintenance, or annulment when no minor children are involved.
- (f) Paternity [DP]. All questions of paternity; paternity and custody; or paternity, custody, and support.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (g) Registration of Foreign Orders [DR]. All registrations of foreign support orders received from another state under the Uniform Reciprocal Enforcement of Support Act.
- (h) Other Support [DS]. All support matters under the Family Support Act.
- (i) URESA Enforcement [DU]. All support enforcement proceedings incoming from another state under the Uniform Reciprocal Enforcement of Support Act.
- (j) Interstate Income Withholding [DW]. All support orders incoming from another state under the Interstate Income Withholding Act.
- (k) Other Domestic Relations Matters [DZ]. All other prejudgment matters involving domestic relations proceedings not otherwise coded.
- (l) Transfer Custody [TC]. All intrastate transfers of postjudgment custody or custody and support proceedings where no divorce action has been filed.
- (m) Transfer URESA, Initiation [TI]. All intrastate transfers of postjudgment support enforcement proceedings outgoing to another state under the Uniform Reciprocal Enforcement of Support Act.
- (n) Transfer Divorce, Minor Children [TM]. All intrastate transfers of postjudgment divorce; divorce and custody; or divorce, custody, and support complaints when minor children are involved.
- (o) Transfer Divorce, No Children [TO]. All intrastate transfers of postjudgment divorce complaints when no minor children are involved.
- (p) Transfer Paternity [TP]. All intrastate transfers of postjudgment paternity; paternity and custody; or paternity, custody, and support complaints.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (q) Transfer Other Support [TS]. All intrastate transfers of postjudgment support matters under the Family Support Act.
- (r) Transfer URESA Enforcement [TU]. All intrastate transfers of postjudgment support enforcement proceedings incoming from another state under the Uniform Reciprocal Enforcement of Support Act.
- (s) Transfer Other Family Matters [TZ]. All intrastate transfers of other postjudgment matters involving domestic relations proceedings not otherwise coded.
- (t) UIFSA Modification; Filing [UC]. All outgoing requests for registration of an order for the specific purpose of modification under the Uniform Interstate Family Support Act.
- (u) Assist with Discovery [UD]. All proceedings under the Uniform Interstate Family Support Act to assist with discovery or to compel a response to a discovery order issued by another state's tribunal.
- (v) UIFSA Establishment [UE]. All support and paternity establishment proceedings incoming from another state under the Uniform Interstate Family Support Act.
- (w) UIFSA Enforcement; Filing [UF]. All outgoing requests for registration of another state's order for the specific purpose of enforcement under the Uniform Interstate Family Support Act.
- (x) UIFSA Initiation [UI]. All support and paternity establishment proceedings outgoing to another state under the Uniform Interstate Family Support Act.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (y) Registration of Orders for Modification [UM]. All incoming registrations of another state's orders for the specific purpose of modification under the Uniform Interstate Family Support Act.
- (z) Registration of Orders for Enforcement [UN]. All incoming registrations of another state's orders for the specific purpose of enforcement under the Uniform Interstate Family Support Act.
- (aa) UIFSA Income Withholding; Filing [UO]. All outgoing requests for registration of another state's order for the specific purpose of income withholding under the Uniform Interstate Family Support Act.
- (bb) Transfer UIFSA [UT]. All intrastate transfers of postjudgment support enforcement proceedings incoming from another state under the Uniform Interstate Family Support Act.
- (cc) Registration of Income Withholding Orders [UW]. All incoming registrations of another state's orders for the specific purpose of income withholding under the Uniform Interstate Family Support Act.

(7) *Family Division - Proceedings under Juvenile Code*

- (a) Designated Juvenile Offenses [DJ]. All juvenile offenses designated by the prosecutor or court to be heard in the family division of circuit court in the same manner as an adult criminal case is heard in the criminal division of the circuit court.
- (b) Delinquency Proceedings [DL]. All delinquency proceedings initiated by petition under the juvenile code or initiated by Uniform Law Citation for various minor offenses not in the Motor Vehicle Code.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (c) Child Protective Proceedings [NA]. All child protective proceedings initiated by petition under the juvenile code.
- (d) Personal Protection Actions Brought Under the Juvenile Code [PJ]. All petitions seeking a personal protection order against a respondent under the age of 18. Includes proceedings conducted for violation of personal protection orders issued under the juvenile code when heard by a county other than the county that issued the personal protection order.
- (e) Traffic and Local Ordinance [TL]. All traffic and local ordinance issued on a Uniform Law Citation under the Motor Vehicle Code or local corresponding ordinance.

(8) *Family Division - Proceedings under Adoption Code*

- (a) Adult Adoptions [AB]. All adult adoptions.
- (b) Agency International Adoptions [AC]. All foreign children adoptions.
- (c) Direct Placement Adoptions [AD]. All direct placement adoptions including temporary placements prior to filing of petition for direct placement.
- (d) Relative Adoptions [AF]. All adoptions by relatives including relative guardians, but not including step-parent adoptions.
- (e) Safe Delivery of Newborn Adoptions [AG] - All adoptions resulting from safe delivery of newborn proceedings.
- (f) Permanent Ward Adoptions (state ward or court ward) [AM]. All state or court ward adoptions resulting from child protective proceedings.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (g) Non Relative Adoptions [AN]. All adoptions by guardians who are not relatives.
- (h) Agency Other Adoptions [AO]. All other private or public agency adoptions not otherwise designated.
- (i) Step-Parent Adoptions [AY]. All adoptions by step-parents.
- (j) Release to Adopt; No Case [RB]. All releases to adopt; no case pending.
- (k) Release to Adopt [RL]. All releases to adopt; result of a child protective case.
- (9) *Family Division - Miscellaneous Proceedings*
 - (a) Emancipation of Minor [EM]. All emancipation proceedings initiated under the status of minors and emancipation act.
 - (b) Infectious Disease [ID]. All proceedings under the public health code for treatment of infectious disease or testing for infectious disease.
 - (c) Safe Delivery of Newborn Child [NB]. All proceedings involving a newborn child surrendered under the Safe Delivery of Newborns act (MCL 712.1 et seq.).
 - (d) Name Change [NC]. All name change proceedings.
 - (e) Personal Protection Against Stalking [PH]. All personal protection proceedings under MCL 600.2950a; MSA 27A.2950a when there is no domestic relationship between the parties and the respondent is not under the age of 18.

Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (f) Personal Protection in Domestic Relationships [PP]. All personal protection proceedings under MCL 600.2950; MSA 27A.2950 and/or MCL 600.2950a; MSA 27A.2950a when there is a domestic relationship between the parties and the respondent is not under the age of 18.
- (g) Waiver of Parental Consent to Obtain Abortion [PW]. All waiver of parental consent proceedings under the parental rights restoration act.
- (h) Violation Proceedings on Out-of-County Personal Protection Order - Revised Judicature Act [VP]. All proceedings conducted for violation of personal protection orders issued under MCL 600.2950 or MCL 600.2950a when heard by a county other than the county that issued the personal protection order. This case is filed as "In the Matter of".
- (10) *Family Division - Ancillary Proceedings*. Use case type codes listed in (C) for matters filed in the probate court which may alternatively be filed in the family division of circuit court as an ancillary proceeding.
- (11) *Court of Claims*.
 - (a) Highway Defect [MD]. All claims involving highway defects.
 - (b) Medical Malpractice [MH]. All claims involving health care provider malpractice.
 - (c) Contracts [MK]. All other proceedings involving contractual obligations not otherwise coded.
 - (d) Constitutional Claims [MM]. All claims for money damages brought under the Michigan Constitution.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (e) Prisoner Litigation [MP]. All claims for money damages against the State of Michigan filed by state prisoners.
- (f) Tax Related Suits [MT]. All claims involving liability for state taxes.
- (g) Other Damage Suits [MZ]. All other claims for money damages.

(B) **District Court Case Type Code List.** The following case type code list must be used in district court as provided in Component 1. The bracketed letters are the case type codes.

(1) *Criminal*

- (a) Extradition/Detainer [EX]. All extradition and detainer matters initiated by Michigan to other states.
- (b) Felony Criminal [FY]. All felony non-traffic cases. Includes life offenses committed by juveniles in which the prosecuting attorney has authorized the filing of a criminal complaint and warrant under MCR 6.907 instead of proceeding in the family division of the circuit court, and specified offenses committed by juveniles and waived to the criminal division of the circuit court under MCR 5.950.
- (c) Ordinance Misdemeanor Criminal [OM]. All non-traffic misdemeanor offenses issued under ordinance.
- (d) Statute Misdemeanor Criminal [SM]. All non-traffic misdemeanor offenses issued under statute.

Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

(2) *Traffic*

- (a) Felony Drunk Driving [FD]. All felony drunk driving cases.
- (b) Felony Traffic [FT]. All felony traffic cases except drunk driving.
- (c) Ordinance Misdemeanor Drunk Driving [OD]. All drunk driving misdemeanor offenses issued under ordinance.
- (d) Ordinance Civil Infraction Traffic [OI]. All traffic civil infraction offenses issued under ordinance.
- (e) Ordinance Misdemeanor Traffic [OT]. All traffic misdemeanor offenses issued under ordinance except drunk driving.
- (f) Statute Misdemeanor Drunk Driving [SD]. All drunk driving misdemeanor offenses issued under statute.
- (g) Statute Civil Infraction Traffic [SI]. All traffic civil infraction offenses issued under statute.
- (h) Statute Misdemeanor Traffic [ST]. All traffic misdemeanor offenses issued under statute except drunk driving.

(3) *Non-Traffic Civil Infraction and Parking*

- (a) Ordinance Parking [OK]. All parking offenses issued under ordinance.
- (b) Ordinance Civil Infraction Non-Traffic [ON]. All non-traffic civil infraction offenses issued under ordinance.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (c) Statute Parking [SK]. All parking offenses issued under statute.
- (d) Statute Civil Infraction Non-Traffic [SN]. All non-traffic civil infraction offenses issued under statute.
- (4) *Civil Damage Suits.*
 - (a) General Civil [GC]. All civil cases for money damages except small claims, landlord-tenant, and land contract.
 - (b) Miscellaneous Civil [GZ]. All non-monetary claims including coroner's inquests, peace bonds, claim and delivery without money judgment, drug forfeitures, other summary proceedings not relating to landlord-tenant and land contract, and proceedings under the public health code for testing for infectious disease.
 - (c) Small Claims [SC]. All civil claims for the recovery of money which does not exceed the jurisdictional limit in MCL 600.8401; MSA 27A.8401.
- (5) *Housing and Real Estate Suits.*
 - (a) Landlord-Tenant Summary Proceedings [LT].
 - (b) Land Contract Summary Proceedings [SP].
- (C) **Probate Court Case Type Code List.** The following case type code list must be used in probate court as provided in Component. The bracketed letters are the case type codes.
 - (1) *Estates, Trusts, Wills*
 - (a) Decedent Estates, Supervised Administration [DA]. All matters involving decedent estates in which administration is supervised.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (b) Decedent Estates, Unsupervised Administration and Non-Administered Estates [DE]. All matters involving decedent estates in which either administration is unsupervised, or the estate is not administered.
- (c) Determination of Heirs (separate proceeding) [DH]. All matters to determine heirs as a separate proceeding.
- (d) Small Estates [PE]. All assignments of estates where gross estate assets do not exceed \$15,000 (as adjusted for inflation).
- (e) Trust Registration [TR]. All requests to register trusts.
- (f) Trust, Testamentary [TT]. All trusts which take effect on the death of the settlor.
- (g) Trust Inter Vivos [TV]. All trusts which are operative during the lifetime of the settlor.

(2) *Guardianships and Conservatorships*

These case types may also be filed in the family division of circuit court as an ancillary proceeding.

- (a) Adult Conservatorship [CA]. All matters involving conservatorship of adults.
- (b) Minor Conservatorship [CY]. All matters involving conservatorship of minors.
- (c) Developmental Disability Guardianship [DD]. All matters involving guardianship of individuals with developmental disability, both adults and minors.

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (d) Adult Guardianship [GA]. All matters involving full guardianship of incapacitated individuals.
- (e) Limited Guardianship of Adult [GL]. All matters involving limited guardianship of incapacitated individuals.
- (f) Minor Guardianship [GM]. All matters involving full guardianship of minors.
- (g) Limited Guardianship of Minor [LG]. All matters involving limited guardianship of minors.
- (h) Protective Orders [PO]. All protective orders requested under the estates and protected individuals code except when filed in conjunction with a petition for conservatorship.

(3) *Mental Illness Proceedings and Judicial Admission*

These case types may also be filed in the family division of circuit court as an ancillary proceeding.

- (a) Judicial Admission [JA]. All matters involving judicial admission of individuals with developmental disability.
- (b) Mental Illness Proceedings [MI]. All mental illness proceedings brought under the mental health code.

(4) *Civil and Miscellaneous Proceedings*

- (a) Delayed Registration of Foreign Birth [BR].
- (b) Civil [CZ]. All civil matters commenced under MCR 5.101(C).

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Case File Management Standards

6.1: Case Type Codes (continued)

Component 39 (continued)	Phases of File Management Where Used
Case Type Codes	Case initiation, maintenance, disposition to closing, post-adjudication

- (c) Miscellaneous Matters [ML]. All other matters filed with the probate court for judicial or administrative action including but not limited to: appeals; death by accident or disaster; filing of letters by foreign personal representative; kidney transplants; lost instruments; opening of safe deposit box; review of adoption subsidy; review of drain commission; review of mental health financial liability; secret marriage licenses; substance abuse treatment of minor; support of poor persons; and uniform gifts to minors act.

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Case File Management

APPENDIX

SCAO Approved Register of Actions Forms *(referenced in Component 14)*

Model LAO 8; Public Access to Court Records *(referenced in Component 19)*

Statutory-Based and Rule-Based Limited Access Court Records *(referenced in Component 19)*

Floor Space for Filing Equipment *(referenced in Component 30)*

Volume and Linear Dimension Conversion Table *(referenced in Component 30)*

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Notice of Intent to Destroy Discovery Materials form, MC 29 *(referenced in Component 34)*

Certificate of Records Disposal, Form MH-38 *(referenced in Component 36)*

Sample Notice of Court Closing *(referenced in Component 36)*

Records Retention and Disposal Schedule for Michigan Trial Courts *(referenced in Component 36)*

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT	FELONY REGISTER OF ACTIONS	CASE NO.																				
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THE STATE OF MICHIGAN V		Case assigned to: Judge																				
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					months																	
Conditions																						

DATE	ACTIONS, JUDGMENTS, CASE NOTES	Initials

[illegible]

[illegible]

[LOCAL COURT LETTERHEAD]

Administrative Order [year] - [number]

PUBLIC ACCESS TO COURT RECORDS

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Court Rules 8.119(E), effective September 30, 1999 and 8.110(C)(7), effective October 1, 1988. The purpose of this order is to regulate public access to court records and to allow flexibility in providing approved forms.

1. Court records are public unless specifically made not public by statute, court rule, case law, or court order. (See Component 19 of the Michigan Trial Court Case File Management Standards.) Delayed Sentence cases, MCL 771.1(2), are public records. Requests to inspect or copy a non-public record shall be handled according to the instructions in Component 19. In accordance with MCR 8.116(D), a person may file a motion to set aside an order limiting access to the record of a court proceeding.

2. The following court records are not subject to public inspection:

- a. Law Enforcement Information Network (LEIN) records;
- b. Social files (in juvenile delinquency and child protective proceedings);
- c. Criminal files for which the conviction has been set aside pursuant to MCL 780.621; and
- d. Criminal files for which the proceedings were dismissed pursuant to MCL 250.350a(4) (parental kidnaping), MCL 769.4a (spouse abuse), or MCL 333.7411 (controlled substances).

3. Court records are not subject to Freedom of Information Act requests. MCL 15.232(d)(v) specifically exempts the judiciary from the Freedom of Information Act.

4. In accordance with MCR 8.110(C)(7), the court shall provide litigants with forms approved by the State Court Administrator at the cost of \$[insert amount] per form. [select an

[Administrative Order Number]

[Date]

amount no less than \$.25 and no more than \$1.00]

a. Parties will be limited to a maximum of [insert number] copies per each type of form requested.

b. There will be no charge for forms requested by court appointed attorneys on cases they have been appointed to or for indigent parties.

c. There will be no charge for forms prepared by the court.

d. There will be no charge for forms that the court or clerk of the court is required by court rule or statute to provide.

5. Any person may inspect any public court file to which access is not restricted by statute, court rule, case law or court order and may obtain copies subject to the following regulations established in accordance with MCR 8.119(E).

a. General

1) All requests for files and/or copies must be made on a "file/copy request form" and must specify a complete case number or party names except as provided under item b. 4) below.

2) Persons who do not have a complete case number or party names may review available case indexes to identify and select specific cases for inspection.

3) Files shall be reviewed at the public counter unless in the discretion of court supervisory personnel, approval is granted to review records in the clerk's office based on available space, the number of files to be reviewed and the length of time necessary to review them.

4) Ensuring the right of immediate access to and public inspection of records shall be a top priority, but may be limited by the availability of court staff to supervise the inspection.

b. Access to Case Files/Information

1) Requests for access to no more than [insert number] specific case files will be accommodated within [insert amount of time] unless the files are in storage.

2) Requests for access to more than [insert number] specific case files

[Administrative Order Number]

[Date]

will be accommodated within a reasonable amount of time depending on the total number of case files requested and the availability of court staff.

3) Requests for specific case files in storage will be accommodated within 3 working days.

4) Case information requests from other courts that lack specific case numbers or party names shall be researched by this court. Requested information will be provided at no charge and will not require a "copy request" form.

5) Requests to perform general traffic or criminal record checks that do not have specific case numbers or party names will not be researched by the court. They will be referred to the appropriate state agencies to obtain this information or to the available indexes referred to under subsection 5.a.2).

6) Requests for the wholesale review of particular types of cases will only be considered if, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. The court is not required to develop special procedures for the convenience or cost/benefit of persons requesting access and may specify the date, time and manner in which access is to be granted. It will be the responsibility of those persons requesting access to make prior, acceptable arrangements with the court.

c. Copies

1) The court will provide a limited number of copies (under [insert number] total pages) at a cost of [insert per page cost] within [insert amount of time, e.g. 1 hour] of the request for copies.

2) Requests for more than [insert number] total copies will be accommodated within a reasonable amount of time as determined by (1) the total number of pages to be copied (2) the availability of court staff and photocopying equipment and (3) the nature of the request, i.e., the degree to which court staff is required to identify and select documents to be copied.

3) In order to preserve and maintain the integrity of court records and to prevent unreasonable interference with the discharge of court functions, persons will not be permitted to copy or otherwise duplicate court records using their own equipment.

(optional) d. *New Record Creation*

[Administrative Order Number]

[Date]

1) Requests for creation of a new record or compilation of records pertaining to case files or case-related information which are granted will be accommodated within a reasonable amount of time

a) as determined by the availability of sufficient data already contained in the records or record data base to easily identify those records requested, and

b) only if such compilation will not unreasonably interfere with the discharge of court functions.

2) Costs to provide records under subsection 5.d.1) will include direct costs to the court to develop, generate and validate the accuracy of the report.

Effective Date:

Date:

Chief Judge Signature:

[] COURT
FILE/COPY REQUEST FORM

1. Date of Request _____
2. Requested by: NAME _____
ADDRESS _____
Telephone-Home _____ Office _____
3. Please specify the complete party name(s) and/or case number below:
Case Number _____
Party Name(s) _____ vs _____
4. Nature of Request
_____ Review File
_____ Obtain Copies
5. If copies are requested, list documents to be copied:
_____ Complete case file (except for any non-public court records).
_____ Specific documents (list-use additional page if necessary)

NOTE:

Michigan law does not require that you place your name and address on this form. This information is required to facilitate the processing of your request.

=====

For Court Use Only

Copies _____ x Per page _____

Total charged _____

Handled by _____ on _____
Court Clerk Date

[] COURT
MEMORANDUM

TO: Persons Requesting General Record Checks

FROM: [], Court Administrator

Please be advised that per [] Court Administrative Order [], a specific case number or the party names are required in order to provide the information you have requested.

If you do not have a specific case number or case name, the following options are available:

1. You may review available case indexes at the [] Court to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent [] court cases from this court.
2. A more complete record check, may be requested by writing the appropriate state agency. Both the Michigan State Police and Department of State maintain computer information expressly for this purpose.

(a) To obtain a Criminal Record Check contact the:

Michigan State Police
Central Records Bureau
7150 Harris Drive
Lansing, Michigan 48913
Telephone: (517)322-5531

(b) To obtain a Driving (Traffic) Record contact the:

Michigan Department of State
Commercial Look-up Unit
7064 Crouner Drive
Lansing, Michigan 48918
Telephone: (517)322-1624

Once you receive complete record checks, you will be able to contact the appropriate Police agency or Court listed on the records to obtain case specific information.

The [] Court regrets that it cannot accommodate your request at this time. If you have any additional questions, please contact the Court at [].

Statutory-Based and Rule-Based Limited Access Court Records

The following table lists various court record types the access to which is limited by statute or court rule. It should be used in conjunction with Component 19 of the Michigan Trial Court Case File Management Standards. While this table can help provide guidance on confidential records, court staff should review the particular statutes and court rules, and, when in doubt, consult with their chief judge. Each listed limited access record type begins with a general description of the kind of record involved (*Record Type* column), followed by a specification of what exact record type has its access limited and a citation to the relevant statute and/or court rule (*What has Limited Access*) along with a description of the period of time under which access to the record is limited (*Duration of Limited Access*). Following this identification of the record type, the listing specifies what regulations or standards exist for the court's filing and storage of the record and for access to the record by court staff (*Filing and Court Access Requirements*). Each listing ends with a description of the regulations or standards regarding access to the record by anyone outside of the court (*Possibilities for Public Access*). The table is organized by court-type and category of case. Entries can be found at the following pages in this document:

General.....	2
Circuit Court (Civil and Criminal Divisions) and District Court.....	7
Circuit Court (Family Division: Friend of the Court).....	14
Circuit Court (Family Division: Juvenile).....	17
Circuit Court (Family Division: Adoptions, Etc.).....	22
Probate Court.....	25

Although there is no specific statutory or rule-based direction for one court to make confidential a record, or information, which has been made confidential in another court, ordering such confidentiality in the other court would in many cases appear to be appropriate.

Notes:

- The table contains some entries of record types which are not strictly speaking by statute or court rule of limited access in courts, but which are of limited access in relation to another agency. Where this is the case it is clearly identified in italics in the column marked *What has Limited Access*. Such record types are included since in order not to defeat the intent to keep such records confidential, courts may wish to order the records as retained by them to be of limited access as well.
- In some cases, statute or court rule makes **information** in a case file (as opposed to simply the file itself) confidential. This is the case when, for example, the law protects against divulging information in the file, or when specific pieces of information (e.g., name, address) are made confidential. Where information in a case file is made confidential, individuals should not divulge confidential information, and publicly-accessible information sources outside of case files (e.g., indices, registers of actions) should not contain confidential information.

Statutory-Based And Rule-Based Limited Access Court Records				
GENERAL				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Variable	Records sealed by court order [MCR 8.119(F)]	From entry of order until time (if any) when order is rescinded.	Sealed records should be maintained to ensure they are not subject to public inspection.	Any person may file a motion to set aside an order that disposes of a motion to seal the record, or an objection to entry of a proposed order.
Variable	Information from the Law Enforcement Information Network [MCL 28.214(2),(3): <i>Confidential LEIN Policy Council file</i>]	From entry of information into LEIN until time (if any) when information is removed from LEIN.	Information should be maintained to ensure it is not subject to public inspection.	Information shall not be disclosed to a private entity for any purpose.

Statutory-Based And Rule-Based Limited Access Court Records

GENERAL

Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Variable	Community Mental Health treatment records for individuals [MCL 330.1748, 330.1748a: <i>Confidential CMH File</i>]	From creation of the record	Records should be maintained to ensure they are not subject to public inspection.	<p>Disclosure of a CMH record is possible under some circumstances, including the following:</p> <ul style="list-style-type: none"> (a) for case record entries made after March 28, 1996, to an adult recipient, upon the recipient's request, if the recipient does not have a guardian and has not been adjudicated legally incompetent; (b) pursuant to court order or legislative subpoena, unless the information is privileged by law; (c) to a prosecuting attorney as necessary for the PA to participate in a proceeding governed by the Mental Health Code; (d) to an attorney for the recipient, with the consent of the recipient, the recipient's guardian with authority to consent, or the parent with legal and physical custody of a minor recipient; (e) if necessary to comply with another provision of law; (f) to DCH if the information is necessary for the department to discharge a legal responsibility; (g) to the office of auditor general if the information is necessary for that office to discharge its constitutional responsibility; (h) to a surviving spouse of the recipient or, if there is no surviving spouse, to the individual or individuals most closely related to the deceased recipient within the third degree of consanguinity, for the purpose of applying for and receiving benefits.

Statutory-Based And Rule-Based Limited Access Court Records

GENERAL

Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Variable	<p>Privileged communications between a mental health patient and a psychiatrist or psychologist in connection with the examination, diagnosis, or treatment of the patient</p> <p>[MCL 330.1750: <i>Confidential CMH File</i>]</p>	From creation of the record	Records should be maintained to ensure they are not subject to public inspection.	<p>Disclosure of “privileged communications” is possible, upon request, in any of the following circumstances:</p> <p>(a) if the communication is relevant to a condition of the patient that the patient has introduced as an element of the patient’s claim/defense in a proceeding or that, after the patient’s death, has been introduced as an element of the patient’s claim/defense by a party to a proceeding;</p> <p>(b) if the communication is relevant to a matter under consideration in a proceeding governed by the Mental Health Code, but only if the patient was suitably informed;</p> <p>(c) if the communication is relevant to a matter under consideration in a proceeding to determine the legal competence of the patient or the patient’s need for a guardian but only if the patient was suitably informed;</p> <p>(d) in a civil action by or on behalf of the patient or a criminal action arising from the treatment of the patient against the mental health professional for malpractice;</p> <p>(e) under certain circumstances, if the privileged communication was made during an examination or treatment ordered by a court.</p>

Statutory-Based And Rule-Based Limited Access Court Records

GENERAL

Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Mediation	Statements made during mediation , including those made in written submissions, unless included in the report of the mediator [MCR 2.411(C)(5)]	From creation of the statement.	Information may not be used in any other proceedings, including trial, except as information is necessary for the court to (i) resolve disputes regarding the mediator's fee, or (ii) consider issues raised by a party's failure to attend a scheduled mediation session. Court personnel may have access to the information in order to administer or evaluate the mediation program.	[None specified.]
Mediation	Communications between the parties or counsel and the mediator relating to a mediation, unless included in the report of the mediator [MCR 2.411(C)(5)]	From creation of the communication.	Information is confidential, except to the extent it is necessary for the court to (i) resolve disputes regarding the mediator's fee, or (ii) consider issues raised by a party's failure to attend a scheduled mediation session. Court personnel may have access to the information in order to administer or evaluate the mediation program.	Disclosure is possible with the written consent of all parties.

Statutory-Based And Rule-Based Limited Access Court Records

GENERAL

Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Mediation	Work product or case files of mediator or of community dispute resolution center [MCL 691.1557]	From creation of the work product or case file.	Information is confidential and not subject to disclosure in a judicial or administrative proceeding, except that which is either (i) needed in a subsequent action between the mediator and a party to the dispute resolution process for damages arising out of that process, or (ii) subject to discovery and was not prepared specifically for use in the dispute resolution process.	Disclosure is possible when confidentiality is waived in writing by all parties to the dispute resolution process.
Case Evaluation	Case evaluation and parties' acceptances and rejections [MCR 2.403(N)(4)]	From creation of case evaluation, acceptance, and rejection, and until time (if any) when judgment is rendered.	Documents are to be placed in a sealed envelope.	[None specified.]
Jury	Completed Juror Qualifications Questionnaire [MCL 600.1315]	From receipt of the completed questionnaire.	Questionnaires should be maintained to ensure they are not subject to public inspection.	Persons may gain access to completed questionnaires through order of the presiding circuit judge.
Jury	Juror Personal History Questionnaire [MCR 2.510(C)]	From receipt of the completed questionnaire.	Questionnaires should be maintained to ensure they are not subject to public inspection. The judges of the court, the court clerk, and deputy clerks, are all allowed to examine the questionnaire.	The only persons allowed to examine the questionnaire are (i) parties to actions in which the juror is called to serve, and their attorneys, and (ii) persons authorized access by court rule or court order.

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT (CIVIL AND CRIMINAL DIVISIONS) AND DISTRICT COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Variable Criminal	In cases where the Holmes Youthful Trainee Act [MCL 762.11-15] is applied, and where no subsequent conviction is entered, the entire file (including records related to HYTA assignment) [MCL 762.14(4)]	From decision by the court to apply HYTA to the case, and until time (if any) when case loses HYTA status.	Files should be maintained to ensure they are not subject to public inspection.	All proceedings regarding the disposition of the criminal charge and the individual's assignment as youthful trainee shall be closed to public inspection, but shall be open to the courts of this state, the department of corrections, the family independence agency, and law enforcement personnel for use only in the performance of their duties.

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT (CIVIL AND CRIMINAL DIVISIONS) AND DISTRICT COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Variable Criminal	Documents related to prosecutor-sought immunity in relation to an investigative subpoena (including petitions for immunity, orders of immunity, transcripts of testimony delivered to witnesses pursuant to grants of immunity) [MCL 767A.8]	From the time the prosecutor seeks immunity.	Relevant documents shall not be available for public inspection or copying and shall not be divulged.	Relevant documents shall not be divulged to any person.
Variable Criminal	Records and documents obtained by the prosecutor pursuant to an investigative subpoena [MCL 767A.8]	From creation of the record or document.	Relevant documents shall not be available for public inspection or copying and shall not be divulged.	Relevant documents shall not be divulged to any person.

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT (CIVIL AND CRIMINAL DIVISIONS) AND DISTRICT COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Variable Criminal	Record of hearing on issuance of a protective order in connection with discovery, if the court grants the protective order [MCR 6.201(E)]	Provisionally upon start of hearing, and then permanently from granting of protective order.	Record must be sealed (and preserved for review in the event of an appeal).	[None specified.]
Variable Criminal	Address and phone number of victim (effective June 1, 2001, work address and work phone number) [MCL 780.758]	From receipt of information.	Information “shall not be in the court file or ordinary court documents” unless contained in a transcript (or, in the case of the address, it is used to identify the place of the crime). Conditional bonds and conditional orders of probation for the protection of named persons containing victim address or phone number are not subject to public inspection.	[None specified.]
Variable Criminal	Entire file where conviction has been set aside [MCL 780.621,623: <i>Confidential State Police file</i>]	From order setting aside the conviction.	Records should be maintained to ensure they are not subject to public inspection. A person who knows or should know that a conviction was set aside and who divulges, uses, or publishes information concerning a conviction set aside is guilty of a misdemeanor	Record is “nonpublic.”

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT (CIVIL AND CRIMINAL DIVISIONS) AND DISTRICT COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Variable Criminal	Record of hearing on excision of portions of material under discovery, if the court grants the excision [MCR 6.201(D)]	Provisionally upon start of hearing, and permanently from granting of order.	Record must be sealed (and preserved for review in the event of an appeal).	[None specified.]
Variable Criminal	Probationer information (records and reports of investigations made by a probation officer and all case histories of probationers) [MCL 791.229 (circuit), <i>Howe v Detroit Free Press</i> , 440 Mich 203, 1992]	From creation of the record or report.	The relevant information shall be considered privileged or confidential communications, and shall not be open to public inspection. Judges and probation officers shall have access to all records, reports, and case histories.	The probation officer, the assistant director of probation, or the assistant director's representative (i) shall permit the attorney general, the auditor general, and law enforcement agencies to have access to the records, reports, and case histories, and (ii) shall permit designated representatives of a private vendor that operates a youth correctional facility to have access to the records, reports, and case histories pertaining to prisoners assigned to the youth correctional facility.

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT (CIVIL AND CRIMINAL DIVISIONS) AND DISTRICT COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Variable Criminal (District)	Plea notification to prosecutor following arraignment [MCL 780.816(1)]	From receipt of the plea notification.	Notice shall be on a “separate form”.	“The notice shall not be a matter of public record.”
Parental Kidnapping	Entire file, when case is dismissed [MCL 750.350a(4); <i>Confidential State Police file</i>]	After order of discharge from probation is entered.	Records should be maintained to ensure they are not subject to public inspection.	Record is “nonpublic.”
Domestic Violence Assault	Entire file, when case is dismissed [MCL 769.4a(6); <i>Confidential State Police file</i>]	After order of discharge from probation is entered.	Records should be maintained to ensure they are not subject to public inspection.	Record is “nonpublic.”
Controlled Substance Crime	Entire file, when case is dismissed [MCL 333.7411(1); <i>Confidential State Police file</i>]	After order of discharge from probation is entered.	Records should be maintained to ensure they are not subject to public inspection.	Record is “nonpublic.”

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT (CIVIL AND CRIMINAL DIVISIONS) AND DISTRICT COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Criminal Sexual Conduct (& Assault with Intent to Commit CSC)	Names of victim and actor , and details of the alleged offense , if so requested by counsel, victim, or actor [MCL 750.520k]	Upon request of counsel, victim, or defendant, and until such time as the defendant is arraigned on the information, the charge is dismissed, or the case is otherwise concluded, whichever occurs first.	Relevant information is to be “suppressed.”	[None specified.]
Search Warrant	Tabulation of items seized through search under warrant, if the court orders the tabulation suppressed [MCL 780.655]	From the time of the court order, until the final disposition of the case unless otherwise ordered.	Relevant tabulations are “suppressed.”	[None specified.]

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT (CIVIL AND CRIMINAL DIVISIONS) AND DISTRICT COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Juvenile Waiver	In cases where a juvenile disposition is entered and reimbursement is ordered, information on action taken against parents or adults for not abiding by a reimbursement order (unless parents or adults found guilty of contempt) [MCL 712A.28]	From the time the court begins proceedings against parents or adults.	Relevant information should be maintained to ensure it is not subject to public inspection. Information “shall not be released for publicity.”	Information “shall not be released for publicity.”

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: FRIEND OF THE COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Variable	Staff notes from settlement conferences [MCR 3.218]	From the creation of the notes.	Notes should be maintained to ensure they are not subject to public inspection.	<i>STANDARD PUBLIC ACCESS REQUIREMENTS</i> : (1) FIA protective services personnel are to receive access to records related to investigation of alleged abuse and neglect; (2) the prosecuting attorney and FIA personnel are to receive access to records required to perform functions mandated by title IV, part D of the Social Security Act; (3) auditors from state and federal agencies are to receive access to records required to perform audit functions; (4) access to records may be authorized by court order.
Variable	FIA protective services reports [MCR 3.218]	From receipt of the report.	Reports should be maintained to ensure they are not subject to public inspection.	<i>STANDARD PUBLIC ACCESS REQUIREMENTS</i> (See above)
Variable	Communications from minors [MCR 3.218]	From receipt of the communication.	Communications from minors should be maintained to ensure they are not subject to public inspection.	<i>STANDARD PUBLIC ACCESS REQUIREMENTS</i> (See above)
Variable	Information disclosing a party's address [MCR 3.218]	From receipt of the information.	Party address information should be maintained to ensure they are not subject to public inspection.	<i>STANDARD PUBLIC ACCESS REQUIREMENTS</i> (See above)

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: FRIEND OF THE COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Variable	Information classified as confidential by laws and regulations of title IV, part D of the Social Security Act [MCR 3.218]	From receipt of the information.	IV-D confidential information should be maintained to ensure they are not subject to public inspection.	<i>STANDARD PUBLIC ACCESS REQUIREMENTS</i> (See above)
Variable	Information for which a privilege could be claimed, or that was provided by a governmental agency subject to the express written condition that it remain confidential [MCR 3.218(A)(3)(g)]	From receipt of the information.	Relevant information should be maintained to ensure they are not subject to public inspection.	<i>STANDARD PUBLIC ACCESS REQUIREMENTS</i> (See above)

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: FRIEND OF THE COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Grievance	Friend of the Court grievances filed by opposing party and responses [MCR 3.218]	From receipt of the grievance or response.	Grievances and responses should be maintained to ensure they are not subject to public inspection.	<p><i>STANDARD PUBLIC ACCESS REQUIREMENTS</i> (See above)</p> <p>A citizen advisory committee is to have access to grievances and may be given access to other grievance-related information by court order upon clear demonstration that the information is necessary to the performance of its duties and that release will not impair the rights of a party or the well-being of a child involved in the case.</p>
Investigation	Staff notes from investigations [MCR 3.218]	From creation of the notes.	Notes should be maintained to ensure they are not subject to public inspection.	<p><i>STANDARD PUBLIC ACCESS REQUIREMENTS</i> (See above)</p>

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: JUVENILE				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Child Protective	Information on action taken against parents or adults for not abiding by a reimbursement order (unless parents or adults found guilty of contempt) [MCL 712A.28]	From the time the court begins proceedings against parents or adults.	Relevant information should be maintained to ensure it is not subject to public inspection.	Information “shall not be released for publicity.”
Child Protective	Records of a hearing closed under MCL 712A.17 [MCL 712A.28(2)]	From beginning of the hearing.	In general, such records are closed.	Such records are open only by court order to persons having a legitimate interest.
Designated case	Information on action taken against parents or adults for not abiding by a reimbursement order (unless parents or adults found guilty of contempt) [MCL 712A.28]	From the time the court begins proceedings against parents or adults.	Relevant information should be maintained to ensure it is not subject to public inspection.	Information “shall not be released for publicity.”

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: JUVENILE				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Designated case	Documents related to prosecutor-sought immunity (including petitions for immunity, orders of immunity, transcripts of testimony delivered to witnesses pursuant to grants of immunity) [MCL 767A.8]	From the time the prosecutor seeks immunity, until time (if any) when immunity is not granted.	Relevant documents shall not be available for public inspection or copying and shall not be divulged.	Relevant documents shall not be divulged to any person.
Designated case	Records and documents obtained by the prosecutor pursuant to an investigative subpoena [MCL 767A.8]	From creation of the record or document.	Relevant documents shall not be available for public inspection or copying and shall not be divulged.	Relevant documents shall not be divulged to any person.
Designated case	Record of hearing on issuance of a protective order, if the court grants the protective order [MCR 6.201(E)]	Provisionally upon start of hearing, and then permanently from granting of protective order.	Record must be sealed (and preserved for review in the event of an appeal).	[None specified.]

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: JUVENILE				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Designated case	Record of hearing on excision of portions of material under discovery, if the court grants the excision [MCR 6.201(D)]	Provisionally upon start of hearing, and permanently from granting of order.	Record must be sealed (and preserved for review in the event of an appeal).	[None specified.]
Juvenile Delinquency	Diversion records [MCL 722.827-722.829]	From the decision by the court to divert the juvenile.	The court shall keep a ‘separate diversion record’ for the minor. The record is open to court officials, but only for the purpose of making a decision on whether to divert the minor.	A diversion record shall be open only by order of the court to persons having a legitimate interest.
Juvenile Delinquency	Entire file where adjudication has been set aside [MCL 712A.18e(13): <i>Confidential State Police file</i>]	From order setting aside the adjudication.	Records should be maintained to ensure they are not subject to public inspection. A person who knows or should know that a adjudication was set aside and who divulges, uses, or publishes information concerning an adjudication set aside is guilty of a misdemeanor.	Record is “nonpublic.”

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: JUVENILE				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Juvenile Delinquency (Sexual offense & Controlled Substance)	Examination results and any other medical information pertaining to infectious disease testing [MCL 333.5129(6),(7)]	Upon receipt of the information.	Information shall be “confidential.”	<p>Information shall be disclosed only to:</p> <ul style="list-style-type: none"> (a) the defendant or child; (b) the local health department; (c) the Department of Community Health; (d) the victim or other person required to be informed of the results (or the victim’s or other person’s parent, guardian, or person in loco parentis if the victim or other person is a minor or otherwise incapacitated). <p>Information can also be disclosed upon written authorization of defendant or child, or the child’s parent, guardian, or person in loco parentis.</p> <p>If the juvenile is placed in the custody of a person related to the child or a public or private agency, institution, or facility, the court shall transmit a copy of the juvenile’s examination results to the person related to the juvenile or the director of the agency, institution, or facility.</p>

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: JUVENILE				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Juvenile Delinquency (including waiver cases where a juvenile disposition is ordered)	Information on action taken against parents or adults for not abiding by a reimbursement order (unless parents or adults found guilty of contempt) [MCL 712A.28]	From the time the court begins proceedings against parents or adults.	Relevant information should be maintained to ensure it is not subject to public inspection.	Information “shall not be released for publicity.”
Juvenile Delinquency	Name, address, and phone number information on any known victims [MCL 780.784]	From the time the information is received.	Information shall be on a statement “separate” from the petition or complaint, which shall not be a matter of public record.	[None specified.]
Juvenile Delinquency	Records of a hearing closed under MCL 712A.17 [MCL 712A.28(2)]	From the beginning of the hearing.	In general, such records are closed.	Such records are open only by court order to persons having a legitimate interest.

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: ADOPTIONS, ETC.				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Adoption	Entire file [MCL 710.67-68]	From the creation of the file.	<p>Adoption records shall be kept in “separate locked files” and shall not be open to inspection or copy except upon order of a court of record for good cause shown expressly permitting inspection or copy.</p> <p>EXCEPTION: The Children’s Ombudsman may inspect closed adoption files in connection with an investigation.</p> <p>A person in charge of adoption records shall not disclose the names of the biological adoptive parents of an adopted person, unless ordered to do so by a court of record.</p>	<p>“A person in charge of adoption records shall not disclose the names of the biological adoptive parents of an adopted person, unless ordered to do so by a court of record” or requested to do so by the Children’s Ombudsman, “except to meet requirements of the director of public health for purpose of creating a new certificate of birth in the adoptive name and sealing the original certificate of birth.”</p> <p>In general, after 21 days following entry of the final order of adoption, the court “shall not permit copy or inspection of the adoption proceedings, except upon a sworn petition setting forth the purpose of the inspection or copy.”</p> <p>[MCL 710.68 has several different public access standards, including standards directing release of information to a confidential intermediary.]</p>

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: ADOPTIONS, ETC.				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Name Change	If the court orders the name change to be confidential, the entire file . [MCL 711.3]	From entry of the order.	For the relevant name change cases, no publication of the name change is to occur and the record is to be confidential. “A court officer, employee, or agent who divulges, uses, or publishes, beyond the scope of his or her duties with the court, information from a record made confidential under this section is guilty of a misdemeanor.”	An individual may gain access to the confidential record if the court so orders.

Statutory-Based and Rule-Based Limited Access Court Records				
CIRCUIT COURT				
FAMILY DIVISION: ADOPTIONS, ETC.				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Waiver of Parental Consent for Abortion	Entire file [MCR 5.783(B)]	From the creation of the file.	<p>“If requested by the minor, the title of the proceeding shall be by initials or some other means of assuring confidentiality.”</p> <p>‘All documents containing identifying information shall be sealed in an envelope marked confidential on which the case number has been written and placed in a private file’.</p> <p>File information shall not be entered into a computer system.</p> <p>Only one file of all papers in each case shall be maintained.</p> <p>Within the court, the file shall be inspected only by the judge and “specifically authorized court personnel.”</p>	<p>The file shall be inspected only by “the minor, her attorney, her next friend, the guardian ad litem, and any other person authorized by the minor.”</p> <p>“After the proceedings are completed, the file may be opened only by order of the court for good cause shown and only for a purpose specified in the order of the court.”</p>

Statutory-Based and Rule-Based Limited Access Court Records				
PROBATE COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Conservatorship	If there was a settlement of a suit, and if the settlement is made confidential, and if the settlement amount is relevant to the conservatorship, then all documents pertaining to the settlement are confidential. [MCR 5.206(E)]	From receipt of the information.	The papers concerning a confidential settlement should be maintained to ensure they are not subject to public inspection.	If the settlement provides that the settlement must not be made public, the court may provide that the papers concerning the trust or settlement may not be subject to public inspection.
Decedent's Estate	If there was a settlement of a suit, and if the settlement is made confidential, and if the settlement amount is relevant to the decedent's estate, then all documents pertaining to the settlement are confidential. [MCR 5.206(E)]	From receipt of the information.	The papers concerning a confidential settlement should be maintained to ensure they are not subject to public inspection.	If the settlement provides that the settlement must not be made public, the court may provide that the papers concerning the trust or settlement may not be subject to public inspection.

Statutory-Based and Rule-Based Limited Access Court Records				
PROBATE COURT				
Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Guardianship for Developmentally Disabled Individual	Report to Accompany Initial Petition [MCL 330.1612(4)]	From receipt of the report.	<p>A report shall not be made part of the public record of the proceedings.</p> <p>A report is 'available to the court or to an appellate court to which the proceedings are appealed'.</p>	The report is to be available only to the respondent, the petitioner, their attorneys, and to other individuals as the court directs.
Guardianship for Legally Incapacitated Individual	Report to Accompany Initial Petition [MCL 700.5304(1)]	From receipt of the report.	<p>A report shall not be made part of the public record of the proceedings.</p> <p>A report is 'available to the court or to an appellate court by which the proceedings are reviewed'.</p>	The report is to be available only to the alleged incapacitated individual, the petitioner, their respective legal counsels, and to other individuals as the court directs.
Secret Marriage	Entire file (which includes an application for a secret marriage license, the license itself, and a secret marriage certificate) [MCL 551.203-204]	From creation of the file.	<p>Secret marriage documents shall be placed in a 'private file'.</p> <p>All knowledge of facts involved in marriage are "privileged communications," and 'violation of the confidence' is criminally punishable.</p>	The file can be opened to inspection either through written request of the person(s) married (with proper proof of identification) or through written order of a circuit court judge.

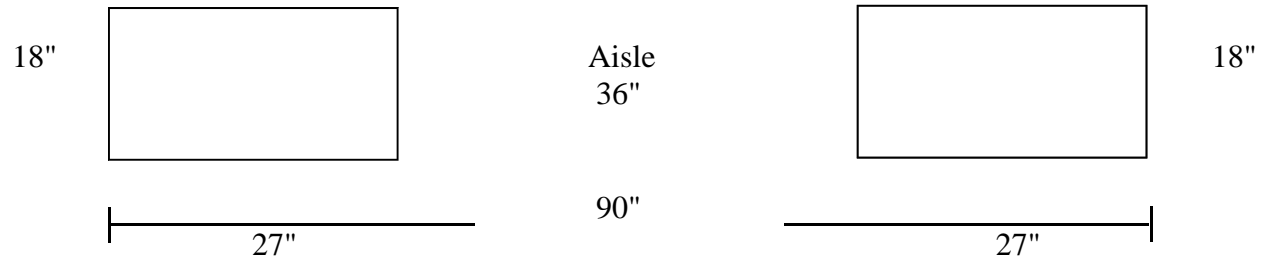
Statutory-Based and Rule-Based Limited Access Court Records

PROBATE COURT

Record Type	What has Limited Access	Duration of Limited Access	Filing and Court Access Requirements	Possibilities for Public Access
Trust	If there was a settlement of a suit, and if the settlement is made confidential, and if the settlement amount is relevant to the trust, then all documents pertaining to the settlement are confidential. [MCR 5.206(E)]	From receipt of the information.	The papers concerning a confidential settlement should be maintained to ensure they are not subject to public inspection.	If the settlement provides that the settlement must not be made public, the court may provide that the papers concerning the trust or settlement may not be subject to public inspection.
Will Filed for Safekeeping	Entire file [MCL 700.2515]	From receipt of the will, until the death of the testator.	A will in writing that is enclosed in a sealed wrapper, on which is endorsed the testator's name, place of residence, and Social Security Number or Michigan driver's license number, if any, and the day on which, and the name of the person by whom, it is delivered"...shall be received by the court and 'safely kept'. After the death of the testator, the will shall be publicly opened.	During the lifetime of the testator, the will shall be delivered only to the testator, or to some person authorized by the testator in writing that is duly proved by the oath of a subscribing witness.

Floor Space for Filing Equipment

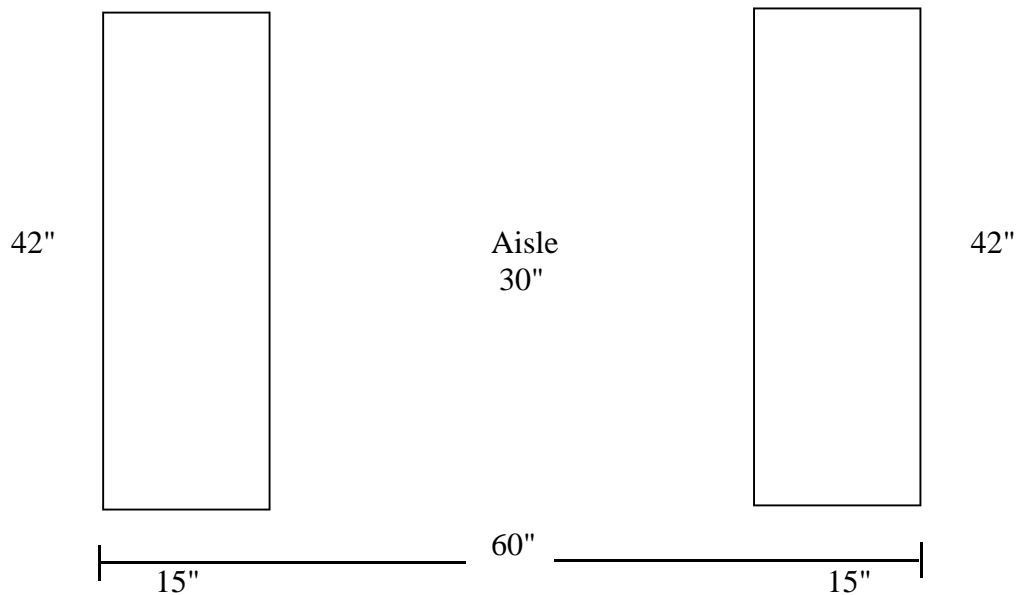
A. Five-Drawer File Cabinet



Formula:

$18" \times 90" = 1,620$ square inches divided by 2 = 810 divided by 144 = 5.625 square feet
(round up to six square feet per cabinet)

B. Open Shelf Filing Units



Formula:

$42" \times 60" = 2,520$ square inches divided by 2 = 1260 divided by 144 = 8.75 square feet
(round up to nine square feet per unit)

Volume and Linear Dimension Conversion Table

<u>Equipment Description</u>	<u>Cubic Feet</u>	<u>Linear Inches</u>	<u>Linear Feet</u>
Vertical Files:			
Legal Size Drawer	2.0	24	2.0
Letter Size Drawer	1.6	24	2.0
Lateral Files:			
Letter Size 30"	1.8	30	2.5
Letter Size 36"	2.2	36	3.0
Letter Size 42"	2.6	42	3.5
Legal Size 30"	2.2	30	2.5
Legal Size 36"	2.2	36	3.0
Legal Size 42"	2.6	42	3.5
Card Files:			
3" x 5" - 24" Drawer	0.2	24	2.0
5" x 8" - 24" Drawer	0.6	24	2.0
Shuck Files - Drawer	0.35	03	0.25
Storage Boxes:			
One Cubic Foot Letter	1.0	15	1.25
One Cubic Foot Legal	1.0	12	1.0
Transfer Boxes:			
2.5 Cubic Feet Legal		2.5	242.0
2.5 Cubic Feet Letter		2.5	242.0

Equipment Evaluation

Guide to Increases in Filing Capacity Using Alternate Storage Equipment in Place of Four-Drawer, Letter-Size Cabinets

by Robert P. Gilotte, "Circular Filing vs. Linear Filing," *ARMA Quarterly* 16, No. 3 (July 1982), pp. 18-20.

Five-Drawer Cabinet	20%
Letter-sized lateral file, open shelving type	
5-tier	60%
6-tier	89%
7-tier	118%
8-tier	146%
Letter-sized lateral file, enclosed with doors, 6-tier	43%
Times-two cabinet	
5-tier, stand-alone	49%
5-tier, as add-on unit	71%
6-tier, stand-alone	75%
6-tier, as add-on unit	102%
7-tier, stand-alone	101%
7-tier, as add-on unit	133%
8-tier, stand-alone	128%
8-tier, as add-on unit	164%
Power Files	
14 carriers	79%
16 carriers	102%
18 carriers	125%
Lateral mobile shelving, 2-tier	
6 shelves	158%
7 shelves	198%
8 shelves	238%
Lateral mobile shelving, 3-tier	
6 shelves	218%
7 shelves	268%
8 shelves	313%
Vertical mobile shelving, 6-foot sections, 4 sections per aisle	
6 shelves	202%
7 shelves	256%
8 shelves	305%
Vertical mobile shelving, 9-foot sections, 4 sections per aisle	
6 shelves	239%
7 shelves	294%
8 shelves	336%

Approved, SCAO

Original - Court
1st copy - Plaintiff/Attorney

PROBATE OSM CODE: NOM
2nd copy - Defendant/Attorney

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

NOTICE OF INTENT TO
DESTROY DISCOVERY MATERIALS

CASE NO.

Court address

Court telephone no.

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

v

☐ Probate In the matter of _____

Attorney name, bar no., address, and telephone no.

Attorney for:

Attorney name, bar no., address, and telephone no.

Attorney for:

Attorney name, bar no., address, and telephone no.

Attorney for:

Attorney name, bar no., address, and telephone no.

Attorney for:

TO: All attorneys of record and
unrepresented parties:

YOU ARE NOTIFIED:

- ☐ At least 18 months have passed since entry of judgment on the merits or dismissal of this action and an appeal has not been taken.
- ☐ An appeal was taken, at least 91 days have elapsed following conclusion of the appellate proceedings, and this action was not remanded for further proceedings in the trial court.

1. Discovery materials will be removed from the file of this action and will be destroyed on the date specified below.

Destruction date

2. If you want the discovery materials, the party who filed them must:

- retrieve them from the clerk's or register's office before the destruction date; or
- file a written objection to removal of the discovery materials from the file.

Date

Clerk/Register

CERTIFICATE OF RECORDS DISPOSAL**Directions:**

1. Submit the original to:
STATE ARCHIVES OF MICHIGAN
MICHIGAN DEPARTMENT OF STATE
717 WEST ALLEGAN STREET
LANSING, MI 48918-1837
2. Keep a copy for your office files.
3. For questions, please call: (517) 373-1400

REPORTING AGENCY: City, County, Other

DEPARTMENT OR DIVISION

I HEREBY CERTIFY THAT THE RECORDS LISTED BELOW WILL BE DISPOSED OF AS INDICATED

RECORD TITLE OR SERIES DESCRIPTION	SIGNATURE		TITLE		DISPOSAL METHOD (Transfer, Burning, Shredding...) (NOTE: Sale not permitted.)
	INCLUSIVE DATES	DISPOSAL AUTHORIZATION SCHEDULE* ITEM NO.**	DISPOSAL VOLUME (Cubic or Linear Feet)	DISPOSAL DATE	
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					

* IF USING A GENERAL SCHEDULE, ENTER SCHEDULE NUMBER; IF USING A SPECIAL SCHEDULE, ENTER SCHEDULE DATE.

** ITEM NO. REFERS TO RETENTION AND DISPOSAL SCHEDULE ITEM NUMBER, WHICH IDENTIFIES THAT PARTICULAR RECORD OF RECORD SERIES.

Sample Notice of Court Closing

DATE

NEWS RELEASE

For Immediate Release

For Further Information Contact:

NAME

TITLE

PHONE

DATE

The [name] Court will close the Office of the Clerk of the Court on [days and dates] so that employees [and members of the State Court Administrative Office] can destroy court documents that are no longer required to be retained by the court. The closing was ordered by Chief Judge [name] through a notice of closing issued today. While the court will be closed, emergency matters will be handled by calling [phone number].

[see below for other optional language which may be modified to meet court specifics]

Judge [name], who was elected to the post last year for a six year term beginning [date], issued the closing order and requested the assistance of the State Court Administrative Office to perform the records destruction as a necessary step in improving case management in the [name] Court.

GENERAL SCHEDULE NO. 16
RECORDS RETENTION AND DISPOSAL
SCHEDULE FOR MICHIGAN TRIAL COURTS

This schedule provides for the retention and disposition of many records created and/or maintained by Michigan trial courts. The public officials concerned may destroy or transfer these records upon expiration of the retention period assigned. It will still be necessary to notify the Department of State, Michigan Historical Center - State Archives and the Department of Treasury prior to destroying original court records by filing a Certificate of Records Disposal. Any record not contained on this list or not having a statutory retention period may not be disposed of without submitting a list or schedule required by MCL 399.5; MSA 15.1805, or securing an amendment to this schedule.

Date: 8-7-01

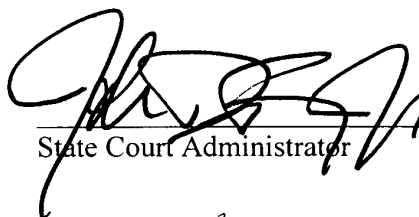
(Signed)

APPROVED

State Administrative Board Secretary

Date: 6/19/01

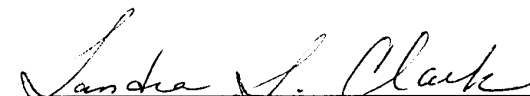
(Signed)



State Court Administrator

Date: 6/22/01

(Signed)



Department of State, Michigan Historical Center

Date: 6/21/01


(Signed)



Treasury Department, Local Audit Division

Date: 7/30/01

(Signed)



Assistant Attorney General, State Affairs Division

GENERAL SCHEDULE NO. 16
RECORDS RETENTION AND DISPOSAL
SCHEDULE FOR MICHIGAN TRIAL COURTS

(rev. 6/01)

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GENERAL SCHEDULE NO. 16 RECORDS RETENTION AND DISPOSAL SCHEDULE FOR MICHIGAN TRIAL COURTS

GENERAL NOTES

Retention of Records. This General Schedule No. 16 Records Retention and Disposal Schedule, which replaces General Schedules 12, 13, 14, and 15, outlines the minimum (and in some cases the minimum and maximum) periods for the retention of trial court records. The record on a matter is either the original record or suitable duplicate record. The retention periods listed apply to the existence of a record, irrespective of whether the record is in original or suitable-duplicate form. Records include both paper and electronic files. Regardless who is providing an automated system for the court (including the friend of the court office or the probation department), they must comply with this schedule.

Records include both paper and electronic files. Whoever is providing an automated system for the court (including the friend of the court office or the probation department) must comply with this schedule. In instances where databases are shared between the court and another agency, the following apply:

- 1) When a court is the source of a record (enters information into the system) which is used by the court, then that record shall be considered a court record and the court shall ensure that the provider of the system (whether under the authority of the court or another agency) complies with the retention schedule for court records.
- 2) When the provider of the system is not under the authority of the court and is the source of the record (enters information into the system), then that record shall be considered a record of the provider of the system and the provider may use its own retention schedule. If the court makes a hard copy of the record, it is subject to the retention schedule for court records of that type.
- 3) In the event of a conflict concerning ownership of a record, the court shall ensure that the provider of the system will retain records for at least the time required by the retention schedule for court records.
- 4) In the event the court moves, copies, or otherwise enters information from the system provider's database, electronically into a field that the court is responsible for maintaining, the court shall ensure that the record is subject to the retention schedule for court records.

Retention of Non-Court Records. Records created by the court as a result of court services provided to the jury board are to be maintained in accordance with the county's record retention and disposal schedule.

Retention of Original Records. In general, original court records must be retained at least six (6) years from the time the record is filed or created. [*MCL 600.2137(1)*, *MCL 691.1101*] Exceptions to this general statutory requirement are specifically noted where appropriate.

GENERAL NOTES **(continued)**

Disposal of Original Records. Whenever an original record is sought to be destroyed, a court must first notify State Archives at the Michigan Historical Center by filing a Certificate of Records Disposal (Form MH 38). [MCL 399.5(2)] Notifications, as well as requests for forms or information, should be directed to:

Department of State
Michigan Historical Center – State Archives
717 W. Allegan
Lansing, MI 48918-1837
(517) 373-1400

The State Archives will respond within 30 days of receipt of Form MH-38 if there are original court records it wishes to retain for historical purposes.

In planning to dispose of original records, a court must also notify the Local Audit and Finance Division of the Michigan Department of Treasury so that a financial and legal compliance audit may be conducted prior to any records destruction. Such notification is made by filing Form MH-38 with the Local Audit and Finance Division, located at the following address:

Department of Treasury
Local Audit and Finance Division
PO Box 30728
Lansing, MI 48909-8228

Treasury will respond within 30 days of receipt of Form MH-38 if there are original court records it wishes to retain for audit purposes.

If a court has not received a request for preservation from either State Archives or Treasury within 30 days from filing Form MH-38 with both offices, the court may destroy the original records sought to be destroyed.

For information on the procedures and methods for disposing of records, see the Michigan Trial Court Case File Management Standards.

Creation of Suitable Duplicate Records. A suitable duplicate record is an accurate copy of an original record (or of an earlier created suitable duplicate record) created pursuant to the Records Media Act [MCL 24.401-403], being either

- (a) a photograph,
- (b) a photocopy,
- (c) a microcopy, or
- (d) a copy stored on an optical storage disc.

A Register of Actions is not a duplicate record of any other record or document.

GENERAL NOTES **(continued)**

The creation of microcopies must conform to relevant State Microfilm Standards [*R18.101-113*]. The creation of an optical storage disc must conform to the relevant Rules for Optical Imaging Systems [*R24.401-419*]. In accordance with the Rules for Optical Imaging Systems, if a record has a retention period in excess of 10 years and is put onto an optical storage disc, then a court must also maintain a human-readable copy (microfilm or paper) of the record.

Retention Period. Unless otherwise specified, the retention period for a record is to be counted in the following manner. For Administrative and Fiscal Records, the retention period begins at the time the record is created. If more than one record is retained together (e.g., within the same book or ledger), the retention period for all records is calculated from the creation of the latest record. For Case Records, the retention period begins upon the latest filing of a court order in the case file (unless the records are stenographic notes, tapes, or recordings, in which case the retention period begins at the time the record is created).

Case Records. Retention periods for the various types of case records are listed in the Retention Schedule. Any record filed in a specific case file or stored separately from the case file for convenience purposes (with the exception of the Register of Actions) becomes a record of that case and is to be retained for the retention period for that case type. Any other records (such as stenographic notes, tapes, case evaluations, and mediation documents) maintained separately from the case file have separate retention periods.

Non-Record Material. Non-Record Material is listed at the end of the Retention Schedule. Such material does not have a required period of retention and may be disposed of at the convenience of the court and without notification to State Archives or to Treasury.

Municipal Courts. Municipal Courts should follow the retention periods applicable to District Courts.

Subschedules. This Records Retention and Disposal Schedule is divided into two main subschedules – one concerning Administrative and Fiscal Records, and one concerning Case Records.

RECORDS RETENTION AND DISPOSAL SCHEDULE FOR TRIAL COURTS

ADMINISTRATIVE AND FISCAL RECORDS

Item #	Records Title and Description	Retention Period
GENERAL		
1.	<p><u>All</u> Accounting records</p> <ul style="list-style-type: none"> a. Receipts, including summary receipt reports individual receipts transmittal/deposit advices b. Disbursement records, including check registers c. Bank records, including bank statements bank reconciliations deposit slips d. Bond and trust records, including open bond and trust reports bond and trust check registers e. Vouchers and payments, including attorney fee payments time book of jurors or juror payments witness payments f. Requisitions - all categories g. All other accounting-related records <p>These records include accounting records for the Friend of the Court.</p>	6 years
2.	<p>Used checkbooks and canceled checks</p> <p>Unused checks are not records and should be destroyed in a manner that renders them unusable when they are no longer of use. The court should keep a record of the check numbers destroyed and the date they were destroyed; this record should be kept with checkbooks and retained for the period specified for used checkbooks and canceled checks.</p>	6 years

ADMINISTRATIVE and FISCAL RECORDS
(continued)

Item #	Records Title and Description	Retention Period
3.	Financial and procedural audit reports performed by outside entities (court contracted or Treasury audits)	6 years
4.	Personnel files	6 years after employment ends Review files before destruction to ensure that no work-related injuries occurred while the person was employed by the court. If so, records must be kept for 7 years after employment.
5.	Personnel - job applications (hired and not hired)	3 years after filling position
6.	Judicial Assignment records a. Assignment request and assignment (order) to specific case b. Blanket assignment request and blanket assignment (order)	a. Filed in case file and retained for the retention period of case b. Until assignment terminates (expires)
7.	Juror Personal History Questionnaires Juror Qualification Questionnaires are not court records, but if the court maintains these records for the jury board, then follow the county's record retention and disposal schedule.	3 years
8.	Jury lists - first and second lists	3 years
9.	Administrative orders for drawing of jurors	1 year
10.	Statistical reports (e.g. caseload and speedy trial) and other internally generated reports (e.g. annual reports). Court daily calendars General correspondence	1 year
11.	Marriage records log [MCL 551.7(3), MCL 551.104]]	6 years

ADMINISTRATIVE and FISCAL RECORDS
(continued)

Item #	Records Title and Description	Retention Period
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CIRCUIT COURT

12.	Other records that are not part of a case record series such as applications and orders for PEN register (wiretaps), petitions and orders for investigative subpoenas, petitions and orders for discovery subpoenas for out of state cases, etc.	10 years
13.	Naturalization proceeding records	50 years It is especially important that, in the event a court desires to dispose of original naturalization proceedings records, the court make a timely and detailed notification to State Archives and to Treasury.
14.	Foster home files	7 years

DISTRICT COURT

15.	Search warrants that are not placed in case files	10 years
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PROBATE COURT

16.	Inventory of safe deposit box	1 year
17.	Secret marriage files	Permanent

CASE RECORDS

GENERAL CASE RECORDS

Item #	Records Title and Description	Retention Period
31.	<p>Registers of actions</p> <p>A Register of Actions if one exists (formerly called “docket”, “case history”, or “journal”) is a chronological list of events in the life of a case, and is required for all cases except civil infractions in District Court. [MCL 600.8344; MCR 8.203; MCR 8.119(D)(1)(c)]</p>	<p>Permanent, except in small claims case</p> <p>A Register of Actions is required in small claims cases; however, it need not be retained after the disposal of the case file. A Register of Actions is not required for civil infraction cases, but if a Register of Actions happens to be maintained for such a case, it may be disposed of at the same time the case file is disposed of. There may be some value to retaining a Register of Actions in such cases beyond the life of the case file.</p> <p>For all case files other than small claims and civil infraction cases, if the case file has a retention period less than permanent, when disposing of the record of the case, take care to ensure the Register of Actions is retained.</p>
32.	<p>Stenographic notes, tapes, recordings, videotapes</p> <p>a. Untranscribed</p> <p>i. Circuit and Probate Courts</p> <p>ii. District Court</p> <p>iii. Video - Duplicate Copy</p> <p>b. Transcribed</p>	<p>[MCL 600.2137(3)]</p> <p>a.</p> <p>i. 15 years from date of creation if a felony case; 10 years for any other case or longer</p> <p>Concerning a hearing for the admission of any person to a hospital or other place of detention as a mentally ill or developmentally disabled person, or as a person with a contagious disease, untranscribed court reporter and recorder notes shall be retained for at least 10 years or for as long as the person is in the relevant hospital or facility, whichever is longer. [MCL 600.859(3)] Transcripts are to be retained in their original form for the entire retention period.</p> <p>ii. 10 years from date of creation if criminal case; 5 years from date of creation if civil case</p> <p>iii. 5 years from date of creation</p> <p>b. 1 year after the transcript has been filed with the court</p>

**CASE RECORDS
(continued)**

Item #	Records Title and Description	Retention Period
33.	<p>Indices</p> <p>Courts must create and maintain two types of indices – an alphabetical index and a numerical index. The alphabetical index will list names of parties to cases in alphabetical order, with a case number (or numbers) corresponding to each name. The numerical index will list case numbers in numerical order, with party names corresponding to each number. All cases, except District Court civil infraction cases, must be indexed. [MCR 8.119(D)(1)]</p>	Permanent
34.	<p>Case evaluations</p> <p>These records are maintained separately from case files and include case evaluations, acceptances, rejections, and awards. The retention period is based on the statute of limitations for a contract which is 6 years. [MCR 2.403(N)(4)]</p>	6 years

CIRCUIT COURT CASE RECORDS

The blotter, common rule book, and minute books are obsolete and are removed from the Circuit Court subschedule. They may be disposed of, after proper notification to State Archives and Treasury, at the discretion of the court.

41.	Case files (civil, criminal, and domestic relations)	25 years from latest court order
42.	Final judgments and orders	Permanent
51.	<p>Adoption-related records</p> <p>Adoption-related records include both records concerning adoption proceedings and records concerning requests for adoption information.</p>	Permanent
52.	Change-of-name records	Permanent
53.	Emancipation-of-minors files	When minor turns age 25
54.	Infectious disease files [MCL 333.5204-.5207]	6 years from latest court order
55.	Safe delivery of newborn files	When child turns age 18
56.	Files concerning a waiver of parental consent to obtain an abortion	<p>2 years after minor has reached majority [MCR 5.783(B)(4)]</p> <p>These files are not to be microfilmed or otherwise copied. [MCR 5.783(B)(4)]</p>

**CASE RECORDS
(continued)**

Item #	Records Title and Description	Retention Period
57.	<p>Legal and social files of juvenile delinquency proceedings (file contents described on page 7)</p> <p>Even though the legal and social file in any given juvenile delinquency case will have identical retention periods, it is important to maintain the files in such a way as to preserve the social file's confidentiality.</p> <ul style="list-style-type: none"> a. Diversion records, consent calendar, and informal records b. Records of cases where adjudication was set aside c. Records of cases where adjudication was not set aside <ul style="list-style-type: none"> i. Records concerning an offense which: (a) if committed by an adult, would be a felony for which the maximum punishment is life in prison; (b) if committed by an adult, would be a criminal traffic violation; or (c) is a reportable juvenile offense ii. All other records 	<ul style="list-style-type: none"> a. Until minor reaches age of 17, and not more than 28 days after that date; or sooner for good cause [MCR 5.925(E)(2)(a), (b) and MCR 5.932(B)] b. Destroy upon entry of order setting aside adjudication [MCR 5.925(E)(3)(c)] c. <ul style="list-style-type: none"> i. Permanent ii. Until, and not beyond when, the minor becomes 30; or sooner for good cause [MCR 5.925(E)(2)(a), (b)]
58.	<p>Legal and social files of child protective proceedings (file contents described on page 6)</p> <p>Even though the legal and social file in any given child protective case will have identical retention periods, it is important to maintain the files in such a way as to preserve the social file's confidentiality.</p>	<p>At least, and not more than, 25 years after court's jurisdiction over the last child in the family ends; or sooner for good cause [MCR 5.925(E)(2)(a),(c)]</p>
59.	Designated cases	25 years from latest court order

**CASE RECORDS
(continued)**

Item #	Records Title and Description	Retention Period
71.	<p>Friend of the court support files and support payment records</p> <p>Support payment records are the compilation of accounting records (ledgers and account records) as opposed to accounting records (cancelled checks, receipts, etc.).</p>	<p>When an arrearage is reflected on the support records, 10 years after the obligation to pay support ends and the case has been administratively closed. Friend of the court copies of records contained in the court's case file may be destroyed 1 year after administrative closure of the case. [MCL 600.5809]</p> <p>When no arrearage is reflected on the support records, 6 years for support payment records after the obligation to pay support ends. All other records in friend of the court support files may be destroyed one year after obligation to pay support ends and the case has been administratively closed, provided notice has been sent to parties advising of closure and intent to destroy the file. [MCL 600.5809]</p>
72.	Friend of the court mediation files [MCL 552.513]	6 years after the mediation concludes [MCL 600.5807(8)]
73.	Friend of the court files other than support	<p>6 years after the youngest child emancipates [MCL 600.5807(8)]</p> <p>Emancipation would include other termination events such as death of a child or parent. If the case file contains support provisions for a child, the retention period is the support period.</p>

The **legal file** for juvenile delinquency and/or child protective proceedings will typically include the following: 1) petitions, requests for counsel, for appeal, etc.; 2) notices, summons, subpoenas, service of process; 3) findings and recommendations of the Foster Care Review Board child protective, if admitted; 4) abstracts; and 5) orders.

The **social file** for juvenile delinquency and/or child protective proceedings will typically include the following: 1) youth and family record fact sheet; 2) social study including individual case plans with time frames where appropriate; 3) reports (dispositional, investigative, laboratory, medical, observation, psychological, psychiatric, progress, treatment, school, etc.); 4) Family Independence Agency records; 5) correspondence; 6) victim statements; 7) testimony from closed proceedings; 8) police reports (delinquency); 9) diversion records (delinquency); 10) required fingerprinting material regarding reportable juvenile offenses (delinquency); 11) other court materials or records the court determines to be confidential; dates of caseworker visits or contact with the child and family; summary reports of child progress under care, completed at least semi-annually.

**CASE RECORDS
(continued)**

DISTRICT COURT CASE RECORDS

Case files (excluding dockets) created prior to January 1, 1969 are removed from the District Court subschedule. They may be disposed of, after proper notification to State Archives and Treasury, at the discretion of the court.

Item #	Records Title and Description	Retention Period
81.	Civil infraction cases, including parking, in which a judgment was rendered and satisfied or that have been dismissed	3 years from latest court order
82.	Unsatisfied civil infraction judgments	7 years from latest court order or after purge from Secretary of State, whichever is later [MCL 257.321a; MSA 9.2021(1)]
83.	Misdemeanor cases arising under state law, charter, or ordinance payable through a traffic bureau or magistrate	6 years from latest court order
84.	All other cases arising under charter or ordinance	6 years from latest court order
85.	Cases arising under state law not payable through a traffic bureau or magistrate	10 years from latest court order
86.	General civil cases	10 years from latest court order
87.	Summary proceedings and landlord/tenant cases Actions to collect against a judgment arising from a case which has been destroyed is allowable under MCL 600.8344: "The validity and enforceability of a judgment are not affected by the destruction of the piece of paper upon which the judgment is entered, but the register of actions itself, or a certified reproduction of the register of actions pursuant to the records media act, is a complete replacement of the judgment and the records of the action."	6 years from latest court order Although court files may be destroyed after 6 years, the statute of limitations for non-contractual money judgments from a court of record is 10 years. [MCL 600.5809(3)]
88.	Small claims cases	6 years from latest court order The Register of Actions in small claims cases must also be kept for 6 years.
89.	Probation files and presentence reports	3 years after discharge from probation

CASE RECORDS (continued)

PROBATE COURT

“Original orders and letters of authority, after being recorded, must be placed in the files of the court. For security purposes, testamentary documents of deceased persons, bonds, orders, and such other documents as the court directs must be copied by microfilming or other means promptly after filing or issuance and preserved in the records of the court separately from the files.” [MCR 8.302]

Records or files regarding: 1) abstracts of taxable inheritance; 2) afflicted adults files; 3) records concerning crippled or afflicted children; 4) custodian files; 5) mothers’ pension files; 6) power of attorney records; and 7) sterilization are removed from the Probate Court subschedule. They may be disposed of, after proper notification to State Archives and Treasury, at the discretion of the court:

Item #	Records Title and Description	Retention Period
101.	Conservatorship files	Permanent
102.	Estates files	Permanent
103.	Guardianship files, developmentally disabled persons	Permanent These files must be retained in original form for 6 years or for 2 years after the date of discharge or administrative closure, whichever is longer.
104.	Guardianship files, legally incapacitated individuals	Permanent These files must be retained in original form for 6 years or for 2 years after the date of discharge or administrative closure, whichever is longer.
105.	Guardianship files, minors	Permanent These files must be retained in original form for 6 years or for 2 years after the date of discharge or administrative closure, whichever is longer.
106.	Mental illness files	Permanent These files must be retained in original form for 6 years or for 2 years after the expiration of the last order, whichever is longer.
107.	Trusts files, testamentary and inter vivos	Permanent
108.	Wills filed for safekeeping	Permanent Wills filed for safekeeping are to be retained in original form for at least 82 years.

CASE RECORDS
(continued)

Item #	Records Title and Description	Retention Period
109.	<p>Miscellaneous proceedings files</p> <p>“Miscellaneous proceedings files” include, but are not limited to proceedings concerning: 1) Soldiers and Sailors Relief Commission; 2) Tax Allocation Board; 3) State Boundary Commission; 4) Poor Persons Act; 5) Bonds for Railway Survey; 6) Election Commission; 7) filling of vacancies in certain offices; 8) lost instruments; 9) kidney donations; 10) Uniform Gift to Minors Act; 11) appeals of denial of delayed registration of birth; 12) appeals of adoption subsidy determination; 13) appeals of financial liability redetermination by Mental Health; 14) and appeals in drain proceedings.</p>	25 years from latest court order
110.	<p>Acknowledgments of paternity</p> <p>These records are no longer processed in many Probate Courts. However, it is necessary for Probate Courts to retain their old records permanently.</p>	Permanent
111.	<p>Libers of orders</p> <p>These records are no longer processed in many Probate Courts. However, it is necessary for Probate Courts to retain their old records permanently.</p>	Permanent
112.	<p>Condemnation proceedings files</p> <p>These records are no longer processed in many Probate Courts. However, it is necessary for Probate Courts to retain their old records permanently.</p>	Permanent

NON-RECORD MATERIALS

Item #	Records Title and Description
115.	<p>Extra copies of correspondence and other documents preserved only for convenience of reference:</p> <ul style="list-style-type: none"> a. “reading file”, “tickler file”, “follow-up file”, etc. b. identical copies of all documents maintained in the same office c. outdated copies of printed or processed materials of which official copies have been retained for record purposes
116.	<p>Materials neither made nor received pursuant to a statutory requirement nor in connection with the functional responsibilities of the office:</p> <ul style="list-style-type: none"> a. privately purchased material kept at the office for convenience b. correspondence of a personal nature kept at the office for convenience c. notice of employee meetings, credit union affairs, community affairs, etc. <p>Note: Prior to disposing of this type of material, contact the local historical society, library, or nearest university or college history department for advice as to its research value. If any items are deemed to be of value, transfer them to the advisory agency or notify the Michigan Historical Commission of their existence.</p>
117.	<p>Preliminary drafts of letters, preliminary reports (including printouts of database queries* and other preliminary information used to assist in preparing reports), data provided in response to a public query that has no value added information (electronic or paper-based)**, and memoranda which do not represent significant basic steps in preparation of record documents.</p> <p>*Note: A record that is created by accessing a database can be destroyed at the convenience of the court provided the record can be regenerated in its original form, and the retention requirements for the database meet or exceed the retention period for the record that is created.</p> <p>**Note: While data provided in response to a public query is considered a non-record, there are instances where the court may want to keep the information for at least a year.</p>
118.	<p>Routing and other inter-departmental records which do not add any significant information about the activity concerned.</p>

Case File Management

SOURCES

1. Department of Management and Budget, Department of State. Optical Imaging Systems Rules. 1998.
2. Dibble, Thomas G. A Guide to Court Records Management, National Center for State Courts, 1986.
3. Michigan Court Administration Reference Guide. State Court Administrative Office, Lansing, Michigan.
4. Michigan Compiled Laws Annotated. West Publishing Co., St. Paul, Minnesota.
5. Michigan Rules of Court - State, West Group, St. Paul, Minnesota.
6. Michigan History Division - Department of State. Microfilm Handbook: Michigan Local Government. 1980.
7. State Archives of Michigan. Guide for Creating Microfilm to Store Public Records. Draft.